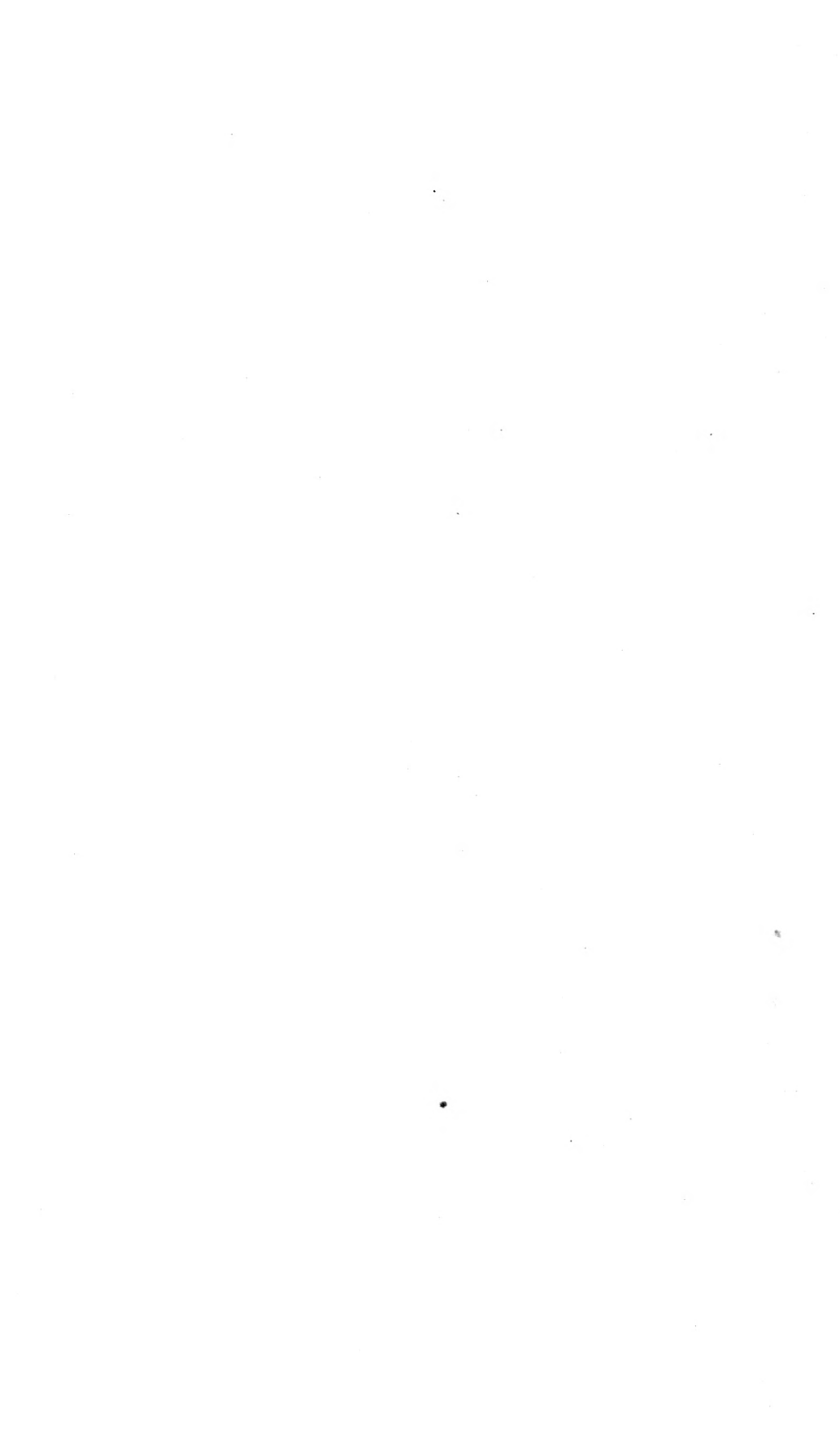


Ontario
Gov't. P.





LEGISLATIVE ASSEMBLY OF ONTARIO

FOURTH SESSION OF THE
TWENTY-SIXTH PARLIAMENT

12877

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

12877

NOVEMBER 27th to DECEMBER 19th, 1962

FEBRUARY 5th to APRIL 3rd, 1963

and

APRIL 17th to APRIL 26th, 1963

INDEX

FOURTH SESSION, TWENTY-SIXTH PARLIAMENT

November 27th to December 19th, 1962,

February 5th to April 3rd, 1963

and

April 17th to April 26th, 1963

PUBLIC BILLS

A	Bill No.
Agricultural Rehabilitation and Development Act (Ontario), 1962-63...	10
Air Pollution Control Act—Act to amend.....	117
Alcoholism and Drug Addiction Research Foundation Act, 1949— Act to amend.....	50
Apprenticeship Act—Act to amend.....	147
Artificial Insemination of Cattle Act, 1962-63.....	92
Arts Council Act, 1962-63.....	162
Assessment Act—Act to amend.....	124

B

Bodies of Deceased Persons—See <i>Human Tissue Act</i> .	
Boilers and Pressure Vessels Act, 1962-63.....	74
Brucellosis Act—Act to amend.....	161

C

Canadian National Exhibition Association Act, 1948—Act to amend (Lapsed).....	84
Cemeteries Act—Act to amend.....	89
Charitable Institutions Act, 1962-63.....	15
Children's Boarding Homes Act—Act to amend.....	65
Children's Institutions Act, 1962-63.....	14
Children's Mental Hospitals Act—Act to amend.....	51
Child Welfare Act—Act to amend.....	120
Collection Agencies Act—Act to amend.....	125
Community Centres Act—Act to amend.....	33
Conditional Sales Act—Act to amend.....	5
Confederation Centennial Act, 1962-63.....	109
Conservation Authorities Act—Act to amend.....	47
Consolidated Revenue Fund—See <i>Ontario Loan Act</i> .	
Construction Hoists Act, 1960-61—Act to amend.....	73
Construction Safety Act, 1961-62—Act to amend.....	76
Co-operative Loans Act—Act to amend.....	31

C—Continued

Bill No.

Corporations—Act to amend.....	139
—Act to amend.....	146
Corporations Information Act—Act to amend.....	145
Corporations Tax Act—Act to amend.....	141
Cost of Credit—Act to provide for the Disclosure of (Lapsed).....	102
County Courts Act—Act to amend.....	37
County Judges Act—Act to amend.....	29
Crown Attorneys Act—Act to amend.....	9
Crown, Proceedings Against—See <i>Proceedings</i> .	
Custody of Documents Act—Act to amend.....	7

D

Dental Technicians Act—Act to amend.....	56
Department of Education Act—Act to amend (Lapsed).....	59
—Act to amend.....	95
Department of Labour Act—Act to amend.....	77
Department of Municipal Affairs Act—Act to amend.....	69
Dependants' Relief Act—Act to amend.....	1
Deposits Solicited from the Public—Act regulating.....	153
District Welfare Administration Boards Act, 1962-63.....	136
Division Courts Act—Act to amend.....	42
Drainage Act, 1962-63.....	35

E

Economic Development Loans Guarantee Act, 1962-63.....	2
Election Act—Act to amend (Lapsed).....	30
—Act to amend (Lapsed).....	101
Emergency Measures—Act respecting.....	91
Execution Act—Act to amend.....	61
Expropriation Procedures Act, 1962-63.....	111

F

Factory, Shop and Office Building Act—Act to amend.....	75
Farm Products Marketing Act—Act to amend.....	106
—Act to amend.....	164
Fire Departments Act—Act to amend.....	103
Fire Marshals Act—Act to amend.....	104
Food Council—See <i>Ontario Producers</i> .	

G

Game and Fish Act, 1961-62—Act to amend.....	20
Gas and Oil Leases Act, 1962-63.....	130
Gasoline Handling Act—Act to amend.....	99
Gasoline Tax Act—An Act to amend.....	98
General Sessions Act—Act to amend.....	38

G—Continued

Bill No.

General Welfare Assistance Act—Act to amend.....	13
Grand River Conservation Act, 1938—Act to amend.....	48
Guarantee by the Province of Loans— See <i>Economic Development Loans Guarantee Act.</i>	

H

Harbours—See <i>Ontario Harbours.</i>	
Highway Improvement Act—Act to amend.....	131
Highway Traffic Act—Act to amend.....	4
—Act to amend.....	79
Homes for Retarded Children Act, 1962-63.....	16
Hospital Services Commission Act—Act to amend.....	54
Hours of Work and Vacations with Pay Act—Act to amend (Lapsed)....	115
—Act to amend (Lapsed)....	122
Human Tissue Act, 1962-63.....	28
Hunter Damage Compensation Act, 1962-63.....	149

I

Income Tax Act, 1961-62—Act to amend.....	26
Income Tax Agreement Act, 1962-63.....	27
Indian Welfare Services Act—Act to amend.....	11
Insurance Act—Act to amend.....	134
Investigation of Titles Act—Act to amend.....	6

J

Junior Farmer Establishment Act—Act to amend.....	43
Jurors Act—Act to amend.....	150

K

Killarney Recreational Reserve—Act to establish.....	119
Kinsmen Club of Kenora—Act respecting.....	108

L

Labour Relations Act—Act to amend (Lapsed).....	24
—Act to amend (Lapsed).....	58
—Act to amend.....	132
Lakes and Rivers Improvement Act—Act to amend.....	19
Land Titles Act—Act to amend.....	158
Leamington, Town of—Act respecting the Assessment of.....	112
Legislative Assembly Act—Act to amend (Lapsed).....	100
Line Fences Act—Act to amend.....	66
Loan Act, 1962-63—See <i>Ontario.</i>	
Loans, Economic Development—See <i>Economic Development.</i>	
Local Improvement Act—Act to amend.....	67
Loggers' Safety Act, 1962-63.....	72
Logging Tax Act—Act to amend.....	142

M

Bill No.

Meat Inspection Act (Ontario), 1962-63.....	25
Mechanics' Lien Act—Act to amend.....	62
Medical Act—Act to amend.....	118
Medical Services Insurance—Act respecting (Lapsed).....	163
Mental Hospitals Act—Act to amend.....	116
Milk Industry Act—Act to amend.....	160
Minimum Wage Act—Act to amend.....	121
Mining Act—Act to amend.....	78
Mortgage Brokers Registration Act—Act to amend.....	126
Mothers' and Dependent Children's Allowances Act—Act to amend.....	12
Municipal Act—Act to amend.....	80
Municipal Board—See <i>Ontario</i> .	
Municipal Unconditional Grants Act—Act to amend.....	113
Municipality of Metropolitan Toronto Act—Act to amend.....	155

N

National Radio Observatory Act, 1962-63.....	107
Notaries Act, 1962-63.....	63
Nurses Act, 1961-62—Act to amend.....	143

O

Oleomargarine Act—Act to amend.....	159
Ontario Harbours Agreement Act, 1962-63.....	17
Ontario Human Rights Code, 1961-62—Act to amend (Lapsed).....	93
Ontario Loan Act, 1962-63.....	148
Ontario Municipal Board Act—Act to amend.....	68
—Act to amend.....	154
Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63.....	105
Ontario—St. Lawrence Development Commission Act—Act to amend.....	3
Ontario Water Resources Commission Act—Act to amend.....	114
Ophthalmic Dispensers Act, 1960-61—Act to amend.....	171

P

Parks Assistance Act—Act to amend.....	18
Partnership Registration Act—Act to amend.....	8
Pension Benefits Act, 1962-63.....	110
Pesticides Act—Act to amend.....	53
Planning Act—Act to amend.....	70
Police Act—Act to amend.....	157
Private Hospitals Act—Act to amend.....	55
Private Sanitaria Act—Act to amend.....	88
Proceedings Against the Crown Act, 1962-63.....	128
Provincial Parks Act—Act to amend.....	49
Psychiatric Hospitals Act—Act to amend.....	86
Psychologists Registration Act—Act to amend.....	52
Public Health Act—Act to amend.....	85

P—Continued

Bill No.

Public Lands Act—Act to amend.....	64
Public Libraries Act—Act to amend.....	23
Public Officers' Fees Act—Act to amend.....	40
Public Schools Act—Act to amend.....	22
Public Service Act, 1961-62—Act to amend.....	57
Public Service Superannuation Act—Act to amend.....	137
Public Utilities Act—Act respecting.....	82
Public Works Creditors Payment Act, 1962-63.....	156

R

Radio Observatory—See <i>National</i> .	
Radiological Technicians Act, 1962-63.....	87
Real Estate and Business Brokers Act—Act to amend.....	127
Registry Act—Act to amend.....	45
Representation Act—Act to amend (Lapsed).....	36
—Act to amend.....	44
Research Foundation Act, 1944—Act to amend.....	60
Retail Sales Tax Act, 1960-61—Act to amend.....	46
Ryerson Polytechnical Institute—Act respecting.....	81

S

Schools Administration Act—Act to amend.....	21
—Act to amend.....	96
Secondary Schools and Board of Education Act—Act to amend.....	94
Securities Act—Act to amend.....	151
—Act to amend.....	152
Separate Schools Act—Act to amend.....	97
Statistics Act, 1962-63.....	123
Statute Labour Act—Act to amend.....	129
St. Lawrence—See <i>Ontario-St. Lawrence</i> .	
Succession Duty Act—Act to amend.....	138
Supply Act, 1962-63.....	165
Surrogate Courts Act—Act to amend.....	39

T

Teachers' Superannuation Act—Act to amend.....	135
Telephone Act—Act to amend.....	32
Territorial Districts Welfare Administration Boards—See <i>District</i> .	

U

University of Toronto Lands Act, 1962-63.....	144
---	-----

V

Vital Statistics Act—Act to amend.....	140
Voters' Lists Act—Act to amend.....	41

W

Bill No.

Wages Act—Act to amend.....	133
Warble Fly Control Act—Act to amend (Not reported by Committee on Agriculture).....	34
Water Resources Commission—See <i>Ontario</i> .	
Welfare Administration Boards—See <i>District</i> .	
Wills Act—Act to amend.....	90
Workmen's Compension Act—Act to amend.....	83

PRIVATE BILLS

B

Baptist Convention of Ontario and Quebec—Act respecting.....	Pr6
Bath, Village of—Act respecting.....	Pr4
Beechwood Cemetery Company of the City of Ottawa.....	Pr20
Belleville, City of—Act respecting.....	Pr8
—Act respecting.....	Pr9
Belleville General Hospital—Act respecting.....	Pr56
Boys' Home—Act respecting.....	Pr12
Bruce Township—Act respecting.....	Pr18
Burlington, Town of—Act respecting.....	Pr60

C

Canadian National Exhibition Association—Act respecting (Not reported by Committee on Private Bills).....	Pr27
Carleton, County of—Act respecting.....	Pr46
Chatham Community Young Men's Christian Association—Act respecting.....	Pr16
Chemical Profession of Ontario, Association of—Act to incorporate.....	Pr10
Cobourg, Ontario, Young Men's Christian Association— Young Women's Christian Association—Act respecting.....	Pr21
Coniston High School Board—See <i>Sudbury</i> .	

D

Dufferin County—Act respecting.....	Pr31
-------------------------------------	------

E

East York Township—Act respecting (Withdrawn).....	Pr42
Elliott—Act to incorporate The.....	Pr15
Eramosa Township School Area—Act respecting.....	Pr17
Erin Township School Area No. 2—Act respecting.....	Pr28

F

Fort Erie, Town of—Act respecting.....	Pr2
--	-----

G

Bill No.

Gloucester Township High School Board and Ottawa Collegiate Institute Board—Act respecting	Pr33
Grimsby, Town of—Act respecting	Pr47
Guelph General Hospital—Act respecting	Pr14
Guelph Young Men's and Young Women's Christian Association—Act respecting	Pr22

H

Halton, County of—Act respecting	Pr54
Hamilton, City of—Act respecting	Pr41
Hearst, Town of—Act respecting	Pr38

I

Innisfil Township—Act respecting	Pr13
--	------

L

Leduc Public School Board (S.S. No. 1) Act, 1962-63	Pr59
Librarians, Institute of Professional, of Ontario—Act respecting	Pr40
Lincoln, County of—Act respecting	Pr51
London, City of—Act respecting	Pr34

M

Mimico, Town of—Act respecting	Pr52
Municipal Clerks and Finance Officers' Association of Ontario—Act respecting (Withdrawn)	Pr62

Mc

McMaster University—Act respecting	Pr58
--	------

N

Niagara Falls, City of—Act respecting	Pr43
North Grimsby Township—Act respecting (Not reported by Committee on Private Bills)	Pr25
Northumberland and Durham, United Counties of—Act respecting	Pr45

O

Oshawa, City of—Act respecting	Pr1
Ottawa, City of—Act respecting	Pr48
Ottawa Civic Hospital—Act respecting	Pr49
Ottawa Collegiate Institute Board—See <i>Gloucester</i> .	

P

Bill No.

Port Arthur, City of—Act respecting.....	Pr39
Presbyterian Church in Canada—Act respecting.....	Pr7

R

Richardson Trust, George Taylor—Act respecting.....	Pr3
---	-----

S

Sault Ste. Marie, City of—Act respecting.....	Pr32
Scarborough Township—Act respecting.....	Pr23
St. Catharines General Hospital—Act respecting.....	Pr53
Sudbury and Coniston High School Boards—Act respecting.....	Pr30
Sudbury Youth Centre—Act respecting.....	Pr5

T

Toronto, City of—Act respecting.....	Pr26
Toronto Township—Act respecting.....	Pr35
—Act respecting.....	Pr44
Trent University—Act to incorporate.....	Pr24

W

Wallaceburg, Town of—Act respecting.....	Pr50
Waterloo, City of—Act respecting.....	Pr19
Waterloo, University—Act respecting.....	Pr37
Windsor, City of—Act respecting.....	Pr29
Windsor University—Act respecting.....	Pr36
Wood, Esther Taylor, Trust and Evans, John Taylor, Memorial Trust— Act respecting.....	Pr11

Y

York Township—Act respecting.....	Pr55
—Act respecting.....	Pr57



BILL 81

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Ryerson Polytechnical Institute

MR. DAVIS

EXPLANATORY NOTE

This Bill changes the name of Ryerson Institute of Technology to Ryerson Polytechnical Institute and incorporates a Board of Governors to manage its affairs.

BILL 81

1962-63

An Act respecting Ryerson Polytechnical Institute

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Board of Governors of Ryerson Polytechnical Institute;
- (b) "Institute" means Ryerson Polytechnical Institute;
- (c) "Minister" means the Minister of Education;
- (d) "Principal" means the Principal of Ryerson Polytechnical Institute;
- (e) "property" includes real and personal property.

2. The Ryerson Polytechnical Institute is hereby established, and the government, conduct, management and control of the Ryerson Institute of Technology established by Order in Council on the 16th day of September, 1948, are hereby transferred to the Board.

Ryerson
Poly-
technical
Institute
established

3. The objects and purposes of the Institute are,

Objects

- (a) to provide courses of study in any branch of technology;
- (b) to provide courses of study in any branch of business or commerce;
- (c) to provide courses of study to be sponsored jointly with any department of the Provincial Government, with industry or commerce, or with other educational institutions.

Board
established

4.—(1) There shall be a Board of Governors, which is hereby constituted a body corporate under the name "The Board of Governors of Ryerson Polytechnical Institute".

Composition

(2) The Board shall be composed of,

(a) the Minister or his representative;

(b) a representative of the University of Toronto appointed by its Board of Governors;

(c) a representative of the Association of Professional Engineers of the Province of Ontario appointed by its Council;

(d) the Principal; and

(e) nine persons who are residents of Ontario, appointed by the Lieutenant Governor in Council.

Term of
office of
members

(3) Of the first members appointed under clause *e* of subsection 2, one-third shall be appointed to hold office for two years, one-third for four years and one-third for six years, and thereafter members shall be appointed to hold office for six years, but each member shall continue to hold office until his successor is appointed.

Eligibility
for re-
appointment

(4) An appointed member of the Board is eligible for re-appointment.

Vacancy

(5) If a member of the Board appointed by the Lieutenant Governor in Council ceases to have his customary place of residence in Ontario, or through prolonged illness becomes incapable of acting as a member, he *ipso facto* vacates his office, and it is the duty of the Board by resolution to declare his office vacant.

Absence
from
meetings

(6) If within any calendar year a member of the Board appointed by the Lieutenant Governor in Council, not having been granted leave of absence by the Board, attends fewer than one-third of the meetings of the Board, he *ipso facto* vacates his office, and it is the duty of the Board by resolution to declare his office vacant.

Resolution

(7) A resolution passed under this section and entered in the minutes of the Board is conclusive evidence of the vacancy therein declared.

(8) When a vacancy on the Board occurs in the office of a member appointed by the Lieutenant Governor in Council before the term of office for which he was appointed expires, the vacancy shall be filled by the appointment by the Lieutenant Governor in Council of a successor who shall hold office for the remainder of the term. ^{Filling vacancies}

(9) Notwithstanding any vacancy on the Board, as long as one-third of the members appointed by the Lieutenant Governor in Council remain in office, the Board is competent to exercise all or any of its powers. ^{Exercise of powers}

(10) Five members of the Board constitute a quorum. ^{Quorum}

(11) The Board shall elect a chairman and a vice-chairman from among its members who were appointed by the Lieutenant Governor in Council. ^{Chairman, vice-chairman}

(12) In the absence or illness of the chairman, the vice-chairman shall act as and have all the powers of the chairman. ^{Absence of chairman}

(13) In the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman. ^{Absence of chairman and vice-chairman}

5.—(1) The Board by resolution may appoint committees and confer upon any of such committees authority to act for the Board with respect to any matter or classes of matters. ^{Committees}

(2) A majority of the members of every such committee shall be members of the Board. ^{Majority to be Board members}

(3) The Principal is a member of every such committee. ^{Principal, member of committees}

(4) No decision of a committee that includes in its membership persons who are not members of the Board is effective until approved and ratified by the Board. ^{Decisions of committees}

6. All real and personal property heretofore or hereafter granted, conveyed, devised or bequeathed to the Institute, or to any person in trust for the Institute or any of its divisions or departments, subject to any trust affecting such property, is vested in the Board. ^{Property vested in Board}

7. The government, conduct, management and control of the Institute and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties ^{Management of Institute vested in Board}

and achieve the objects of the Institute, including, without limiting the generality of the foregoing, power,

- (a) to make rules governing its procedures;
- (b) to appoint the Principal and define his duties and responsibilities;
- (c) upon the recommendation of the Principal,
 - (i) to appoint, promote, transfer or remove such members of the administrative staff, the teaching faculty and the maintenance staff as it deems necessary or advisable for the proper conduct of the affairs of the Institute, and to fix their salaries or remuneration and increments and to define their duties, qualifications and tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board,
 - (ii) to appoint officers and to prescribe their powers and duties and fix their salaries or remuneration and tenure of office or employment;
- (d) to provide for the establishment of faculty and any other staff organizations and to prescribe their duties and responsibilities;
- (e) to expend such sums as the Board may deem necessary for the support and maintenance of the Institute and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the use and purposes of the Institute and for the furnishings and equipment of such existing and newly-erected buildings;
- (f) to expend such sums as the Board may deem necessary for the erection, equipment, furnishings and maintenance of residences and dining halls for the use of the students of the Institute, whether such students are graduates or under-graduates;
- (g) to acquire, hold and maintain such real property as the Board deems necessary for the use of the students of the Institute for athletic purposes and to erect and maintain such buildings and structures thereon as it deems necessary;

- (h) to provide such means for health service, health examination and physical instruction training for the students of the Institute as the Board deems necessary;
- (i) to provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*;
- (j) to provide for payments by way of gratuities, retiring allowances, accumulative sick leave allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to any representative or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise;
- (k) to expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance, or health insurance, for the benefit of the persons mentioned in clause *j*;
- (l) to appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (m) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*,^{R.S.O. 1960, c. 191} to purchase, acquire, take and hold by deed, grant, gift, bequest or devise, or otherwise, property for the purposes of the Institute without licence in mortmain, and to sell, grant, convey, mortgage, lease or otherwise dispose of such property, or any part thereof, and every person shall have the unrestricted right to deed, to devise and bequeath or to establish trusts for property, real and personal, for the purposes of the Institute;
- (n) without the consent of the owner, tenant or of any persons interested therein, except a municipal corporation, to enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the Institute, making due compensation for such real property to the owners and occupiers thereof and all persons having

any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and, where any act is by any such provision required to be done by a clerk of a municipality or at the office of such clerk, the like act shall be done by the Principal or at the office of the Principal, as the case may be;

R.S.O. 1960,
c. 249

- (o) to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for it any land or property vested in or held by the Board;
- (p) to invest funds of the Board not immediately required for its purposes and the proceeds of all property vested in or held by the Board, subject to the limitations imposed by any trust, in such investments as the Board may see fit;
- (q) after consultation with the Minister,
 - (i) to enter into an arrangement with any federal, provincial, municipal, local or other authority that may seem conducive to the objects of the Institute,
 - (ii) to establish a branch or branches of the Institute in suitable locations,
 - (iii) to enter into agreement with other educational institutions of higher learning, or with industry or commerce, to provide instruction or to give instruction,
 - (iv) to affiliate with or federate with other institutions of higher learning on such terms and for such periods of time as the Board may determine,
 - (v) to establish such new courses of instruction as the Board deems appropriate;
- (r) to fix fees to be paid by the students for instruction, laboratory work, examinations, certificates, diplomas and any ancillary activities;

- (s) to establish the length of the academic year, vacations for staff and for students and the hours of instruction;
- (t) to establish, solicit, collect and administer awards, bursaries, prizes and scholarships for students at the Institute;
- (u) to appoint advisory committees to advise the Board on curriculum development, equipment, placement of graduates, bursaries and scholarships, and such other matters as may affect the course or departments and the students enrolled therein.

8. The accounts of the Board shall be audited at least once ^{Audit} a year by an auditor or auditors appointed by the Board.

9.—(1) The Board, after the close of each academic year, shall file with the Minister an annual report in such form as ^{Annual report} the Minister may require.

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the ^{Tabling of report} Assembly if it is in session or, if not, at the next ensuing session.

10. *The Teachers' Superannuation Act* applies to the instructional staff of the Institute in the same manner as if ^{Super-annuation} the Institute were specified by name in subclause v of clause d ^{R.S.O. 1960, c. 392} of section 1 of that Act.

11. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-ment}

12. The Act may be cited as *The Ryerson Polytechnical* ^{Short title} *Institute Act, 1962-63.*

An Act respecting
Ryerson Polytechnical Institute

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. DAVIS

BILL 81

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Ryerson Polytechnical Institute

MR. DAVIS

BILL 81

1962-63

An Act respecting Ryerson Polytechnical Institute

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- (b) "Institute" means Ryerson Polytechnical Institute;
- (c) "Minister" means the Minister of Education;
- (d) "Principal" means the Principal of Ryerson Polytechnical Institute;
- (e) "property" includes real and personal property.

2. The Ryerson Polytechnical Institute is hereby established, and the government, conduct, management and control of the Ryerson Institute of Technology established by Order in Council on the 16th day of September, 1948, are hereby transferred to the Board.

Ryerson
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3. The objects and purposes of the Institute are,

Objects

- (a) to provide courses of study in any branch of technology;
- (b) to provide courses of study in any branch of business or commerce;
- (c) to provide courses of study to be sponsored jointly with any department of the Provincial Government, with industry or commerce, or with other educational institutions.

Board established 4.—(1) There shall be a Board of Governors, which is hereby constituted a body corporate under the name "The Board of Governors of Ryerson Polytechnical Institute".

Composition (2) The Board shall be composed of,

- (a) the Minister or his representative;
- (b) a representative of the University of Toronto appointed by its Board of Governors;
- (c) a representative of the Association of Professional Engineers of the Province of Ontario appointed by its Council;
- (d) the Principal; and
- (e) nine persons who are residents of Ontario, appointed by the Lieutenant Governor in Council.

Term of office of members (3) Of the first members appointed under clause e of subsection 2, one-third shall be appointed to hold office for two years, one-third for four years and one-third for six years, and thereafter members shall be appointed to hold office for six years, but each member shall continue to hold office until his successor is appointed.

Eligibility for re-appointment (4) An appointed member of the Board is eligible for re-appointment.

Vacancy (5) If a member of the Board appointed by the Lieutenant Governor in Council ceases to have his customary place of residence in Ontario, or through prolonged illness becomes incapable of acting as a member, he *ipso facto* vacates his office, and it is the duty of the Board by resolution to declare his office vacant.

Absence from meetings (6) If within any calendar year a member of the Board appointed by the Lieutenant Governor in Council, not having been granted leave of absence by the Board, attends fewer than one-third of the meetings of the Board, he *ipso facto* vacates his office, and it is the duty of the Board by resolution to declare his office vacant.

Resolution (7) A resolution passed under this section and entered in the minutes of the Board is conclusive evidence of the vacancy therein declared.

(8) When a vacancy on the Board occurs in the office of a member appointed by the Lieutenant Governor in Council before the term of office for which he was appointed expires, the vacancy shall be filled by the appointment by the Lieutenant Governor in Council of a successor who shall hold office for the remainder of the term. Filling vacancies

(9) Notwithstanding any vacancy on the Board, as long as one-third of the members appointed by the Lieutenant Governor in Council remain in office, the Board is competent to exercise all or any of its powers. Exercise of powers

(10) Five members of the Board constitute a quorum. Quorum

(11) The Board shall elect a chairman and a vice-chairman from among its members who were appointed by the Lieutenant Governor in Council. Chairman, vice-chairman

(12) In the absence or illness of the chairman, the vice-chairman shall act as and have all the powers of the chairman. Absence of chairman

(13) In the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman. Absence of chairman and vice-chairman

5.—(1) The Board by resolution may appoint committees and confer upon any of such committees authority to act for the Board with respect to any matter or classes of matters. Committees

(2) A majority of the members of every such committee shall be members of the Board. Majority to be Board members

(3) The Principal is a member of every such committee. Principal, member of committees

(4) No decision of a committee that includes in its membership persons who are not members of the Board is effective until approved and ratified by the Board. Decisions of committees

6. All real and personal property heretofore or hereafter granted, conveyed, devised or bequeathed to the Institute, or to any person in trust for the Institute or any of its divisions or departments, subject to any trust affecting such property, is vested in the Board. Property vested in Board

7. The government, conduct, management and control of the Institute and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties Management of Institute vested in Board

and achieve the objects of the Institute, including, without limiting the generality of the foregoing, power,

- (a) to make rules governing its procedures;
- (b) to appoint the Principal and define his duties and responsibilities;
- (c) upon the recommendation of the Principal,
 - (i) to appoint, promote, transfer or remove such members of the administrative staff, the teaching faculty and the maintenance staff as it deems necessary or advisable for the proper conduct of the affairs of the Institute, and to fix their salaries or remuneration and increments and to define their duties, qualifications and tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board,
 - (ii) to appoint officers and to prescribe their powers and duties and fix their salaries or remuneration and tenure of office or employment;
- (d) to provide for the establishment of faculty and any other staff organizations and to prescribe their duties and responsibilities;
- (e) to expend such sums as the Board may deem necessary for the support and maintenance of the Institute and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the use and purposes of the Institute and for the furnishings and equipment of such existing and newly-erected buildings;
- (f) to expend such sums as the Board may deem necessary for the erection, equipment, furnishings and maintenance of residences and dining halls for the use of the students of the Institute, whether such students are graduates or under-graduates;
- (g) to acquire, hold and maintain such real property as the Board deems necessary for the use of the students of the Institute for athletic purposes and to erect and maintain such buildings and structures thereon as it deems necessary;

- (h) to provide such means for health service, health examination and physical instruction training for the students of the Institute as the Board deems necessary;
- (i) to provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*;
- (j) to provide for payments by way of gratuities, retiring allowances, accumulative sick leave allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to any representative or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise;
- (k) to expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance, or health insurance, for the benefit of the persons mentioned in clause *j*;
- (l) to appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (m) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*,^{R.S.O. 1960, c. 191} to purchase, acquire, take and hold by deed, grant, gift, bequest or devise, or otherwise, property for the purposes of the Institute without licence in mortmain, and to sell, grant, convey, mortgage, lease or otherwise dispose of such property, or any part thereof, and every person shall have the unrestricted right to deed, to devise and bequeath or to establish trusts for property, real and personal, for the purposes of the Institute;
- (n) without the consent of the owner, tenant or of any persons interested therein, except a municipal corporation, to enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the Institute, making due compensation for such real property to the owners and occupiers thereof and all persons having

any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and, where any act is by any such provision required to be done by a clerk of a municipality or at the office of such clerk, the like act shall be done by the Principal or at the office of the Principal, as the case may be;

- (o) to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for it any land or property vested in or held by the Board;
- (p) to invest funds of the Board not immediately required for its purposes and the proceeds of all property vested in or held by the Board, subject to the limitations imposed by any trust, in such investments as the Board may see fit;
- (q) after consultation with the Minister,
 - (i) to enter into an arrangement with any federal, provincial, municipal, local or other authority that may seem conducive to the objects of the Institute,
 - (ii) to establish a branch or branches of the Institute in suitable locations,
 - (iii) to enter into agreement with other educational institutions of higher learning, or with industry or commerce, to provide instruction or to give instruction,
 - (iv) to affiliate with or federate with other institutions of higher learning on such terms and for such periods of time as the Board may determine,
 - (v) to establish such new courses of instruction as the Board deems appropriate;
- (r) to fix fees to be paid by the students for instruction, laboratory work, examinations, certificates, diplomas and any ancillary activities;

- (s) to establish the length of the academic year, vacations for staff and for students and the hours of instruction;
- (t) to establish, solicit, collect and administer awards, bursaries, prizes and scholarships for students at the Institute;
- (u) to appoint advisory committees to advise the Board on curriculum development, equipment, placement of graduates, bursaries and scholarships, and such other matters as may affect the course or departments and the students enrolled therein.

8. The accounts of the Board shall be audited at least once ^{Audit} a year by an auditor or auditors appointed by the Board.

9.—(1) The Board, after the close of each academic year, shall file with the Minister an annual report in such form as ^{Annual report} the Minister may require.

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the ^{Tabling of report} Assembly if it is in session or, if not, at the next ensuing session.

10. *The Teachers' Superannuation Act* applies to the instructional staff of the Institute in the same manner as if ^{Super-annuation} the Institute were specified by name in subclause v of clause d ^{R.S.O. 1960, c. 392} of section 1 of that Act.

11. This Act comes into force on a day to be named by the ^{Commence-ment} Lieutenant Governor by his proclamation.

12. The Act may be cited as *The Ryerson Polytechnical* ^{Short title} *Institute Act, 1962-63.*



An Act respecting
Ryerson Polytechnical Institute

1st Reading

March 12th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. DAVIS

BILL 82

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Public Utilities Act

MR. SPOONER

EXPLANATORY NOTE

The amendment is complementary to the amendment to section 380 of *The Municipal Act*, which authorizes the imposition of rates to pay for the whole or part of the capital costs of the construction of a water works.

BILL 82

1962-63

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 35 of *The Public Utilities Act* is ^{R.S.O. 1960, c. 335, s. 35, subs. 3, amended} amended by adding at the commencement thereof "Except where a water works rate is imposed under section 380 of *The Municipal Act*", so that the subsection shall read as follows:

- (3) Except where a water works rate is imposed under ^{Where levy of rate necessary} section 380 of *The Municipal Act*, it is not necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except ^{R.S.O. 1960, cc. 249, 223} to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Public Utilities Amendment Act*, 1962-63. ^{Short title}

An Act to amend The Public Utilities Act

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 82

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Public Utilities Act

MR. SPOONER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTIONS 1 and 2. The amendments remove the limitation of 15 miles within which water facilities may be expropriated by a municipality.

SECTION 3. The amendment is complementary to the amendment to section 380 of *The Municipal Act*, which authorizes the imposition of rates to pay for the whole or part of the capital costs of the construction of a water works.

BILL 82

1962-63

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Public Utilities Act* is repealed. R.S.O. 1960,
c. 335, s. 2,
subs. 2,
repealed

2. Subsection 2 of section 4 of *The Public Utilities Act* is amended by inserting after "within" in the fifth line "or without" and by striking out "or within the distance limited by subsection 2 of section 2" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 335, s. 4,
subs. 2,
amended

(2) The corporation and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig upon the same and lay pipes through it, and in, upon, through, over and under the highways, lanes and other public communications within or without the municipality, and in, upon, through, over and under the land of any person within the municipality. Power to
enter on
inter-
mediate
lands

3. Subsection 3 of section 35 of *The Public Utilities Act* is amended by adding at the commencement thereof "Except where a water works rate is imposed under section 380 of *The Municipal Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 335, s. 35,
subs. 3,
amended

(3) Except where a water works rate is imposed under section 380 of *The Municipal Act*, it is not necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. Where levy
of rate
necessary

R.S.O. 1960,
cc. 249, 223

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Utilities Amendment Act, 1962-63*.

An Act to amend The Public Utilities Act

1st Reading

March 12th, 1963

2nd Reading

March 19th, 1963

3rd Reading

MR. SPOONER

*(Reprinted as amended by the
Committee on Municipal Law)*

BILL 82

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Public Utilities Act

MR. SPOONER

BILL 82

1962-63

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Public Utilities Act* is repealed. R.S.O. 1960, c. 335, s. 2, subs. 2, repealed

2. Subsection 2 of section 4 of *The Public Utilities Act* is amended by inserting after "within" in the fifth line "or without" and by striking out "or within the distance limited by subsection 2 of section 2" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1960, c. 335, s. 4, subs. 2, amended

- (2) The corporation and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over and under the highways, lanes and other public communications within or without the municipality, and in, upon, through, over and under the land of any person within the municipality. Power to enter on intermediate lands

3. Subsection 3 of section 35 of *The Public Utilities Act* is amended by adding at the commencement thereof "Except where a water works rate is imposed under section 380 of *The Municipal Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 335, s. 35, subs. 3, amended

- (3) Except where a water works rate is imposed under section 380 of *The Municipal Act*, it is not necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. Where levy of rate necessary
R.S.O. 1960, cc. 249, 223

- Commence-
ment** **4.** This Act comes into force on the day it receives Royal Assent.
- Short title** **5.** This Act may be cited as *The Public Utilities Amendment Act, 1962-63*.

An Act to amend The Public Utilities Act

1st Reading

March 12th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. SPOONER

BILL 83

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1—Subsection 1. The word “accident” as used in the Act is redefined in order to clarify its meaning in accordance with present administrative practices.

Subsection 2. The effect of this amendment is to bring all school boards under the Act.

Subsection 3 and SECTIONS 3, 6, 9 and 12. These amendments raise the maximum earnings upon which compensation may be paid from \$5,000 to \$6,000.

SECTIONS 2 and 7. These amendments reduce the waiting period from five days to three days.

BILL 83

1962-63

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 1 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 437, s. 1,
subs. 1, cl. *a*,
re-enacted

(a) "accident" includes,

- (i) a wilful and intentional act, not being the act of the workman,
- (ii) a chance event occasioned by a physical or natural cause, and
- (iii) disablement arising out of and in the course of employment.

(2) Clause *e* of subsection 2 of the said section 1 is amended by striking out "except a rural school board", so that the clause shall read as follows: R.S.O. 1960,
c. 437, s. 1,
subs. 2, cl. *e*,
amended

(e) a school board.

(3) Subsection 3 of the said section 1 is amended by striking out "\$5,000" in the eleventh line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 1,
subs. 3,
amended

2. Clause *a* of subsection 1 of section 3 of *The Workmen's Compensation Act* is amended by striking out "five" in the second line and inserting in lieu thereof "three". R.S.O. 1960,
c. 437, s. 3,
subs. 1, cl. *a*,
amended

3. Section 12 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the fifth line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 12,
amended

R.S.O. 1960, c. 437, s. 37, subs. 1, cl. d, amended **4.**—(1) Clause *d* of subsection 1 of section 37 of *The Workmen's Compensation Act* is amended by striking out "\$25" in the fourth line and inserting in lieu thereof "\$40" and by striking out "\$35" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960, c. 437, s. 37, subs. 1, cl. e, amended (2) Clause *e* of subsection 1 of the said section 37 is amended by striking out "\$35" in the second line and inserting in lieu thereof "\$50".

R.S.O. 1960, c. 437, s. 37, subs. 3, cl. b, amended (3) Clause *b* of subsection 3 of the said section 37 is amended by striking out "\$25" in the third line and inserting in lieu thereof "\$40" and by striking out "\$35" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960, c. 437, s. 37, subs. 3, cl. c, amended (4) Clause *c* of subsection 3 of the said section 37 is amended by striking out "\$35" in the first line and inserting in lieu thereof "\$50".

R.S.O. 1960, c. 437, s. 41, amended **5.** Section 41 of *The Workmen's Compensation Act* is amended by striking out "is able to earn" in the fifth line and inserting in lieu thereof "is physically capable of earning, as determined by the Board", so that the section shall read as follows:

Temporary
partial
disability

41. Where temporary partial disability results from the injury, the compensation shall be a weekly payment of 75 per cent of the difference between the average weekly earnings of the workman before the accident and the average amount that he is earning or is physically capable of earning, as determined by the Board, in some suitable employment or business after the accident, and is payable so long as the disability lasts, and subsection 3 of section 42 applies.

R.S.O. 1960, c. 437, s. 44, subs. 1, amended **6.** Subsection 1 of section 44 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the fourth line and inserting in lieu thereof "\$6,000".

R.S.O. 1960, c. 437, s. 51, subs. 1, amended **7.** Subsection 1 of section 51 of *The Workmen's Compensation Act* is amended by striking out "five" in the third line and inserting in lieu thereof "three".

R.S.O. 1960, c. 437, s. 74, re-enacted **8.** Section 74 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Costs

- 74.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

SECTION 4. These amendments increase pension allowances for children other than orphans from \$25 to \$40 per month and for orphans from \$35 to \$50 per month.

SECTION 5. The amendment is designed to clarify the intent.

SECTION 8. The section is re-enacted to enable the Workmen's Compensation Board to award proper costs in proceedings before it.

SECTION 10. This amendment brings the section into line with the increased jurisdiction of division courts.

SECTION 11. This provision is new; it is self-explanatory.

- (2) The Board may order by whom and to whom any ^{Idem} costs are to be paid and by whom they are to be taxed and allowed.
- (3) The Board may prescribe a scale under which such ^{Idem} costs shall be taxed.
- (4) In this section, the costs may include the costs of ^{Idem} the Board, regard being had to the time and expense of the Board.

9. Subsection 1 of section 99 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the third line and inserting in lieu thereof "\$6,000". ^{R.S.O. 1960, c. 437, s. 99, subs. 1, amended}

10. Section 110 of *The Workmen's Compensation Act* is amended by striking out "\$200" in the eighth line and inserting in lieu thereof "\$400". ^{R.S.O. 1960, c. 437, s. 110, amended}

11. Subsection 3 of section 114 of *The Workmen's Compensation Act* is repealed and the following substituted there- ^{R.S.O. 1960, c. 437, s. 114, subs. 3, re-enacted} for:

- (3) The amount set forth in a certificate of the Board ^{Lien} filed pursuant to section 110 is a first lien upon all the property, real or personal, of the employer used in or in connection with the industry with respect to which the employer is assessed, subject only to municipal taxes, and the amount levied under execution upon any such judgment to the extent of the amount due upon such execution shall forthwith be paid to the Board.

12. Section 122 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the eighth line and inserting in lieu thereof "\$6,000". ^{R.S.O. 1960, c. 437, s. 122, amended}

13.—(1) This Act, except subsection 3 of section 1 and sections 3, 4, 6, 9 and 12, comes into force on the day it receives Royal Assent and applies only in respect of accidents happening on or after that day. ^{Commence-ment}

(2) Subsection 3 of section 1 and sections 3, 6, 9 and 12 ^{Idem} come into force on the 1st day of July, 1963, and apply only in respect of accidents happening on or after that day.

(3) Section 4 comes into force on the 1st day of July, 1963, ^{Idem} and applies to all pension payments accruing after that day whether the accident happened before or happens after that day and whether the award of compensation was made before or is made after that day.

14. This Act may be cited as *The Workmen's Compensation Amendment Act, 1962-63*. ^{Short title}

An Act to amend
The Workmen's Compensation Act

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 83

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The word “accident” as used in the Act is redefined in order to clarify its meaning in accordance with present administrative practices.

Subsection 2. The effect of this amendment is to bring all school boards under the Act.

Subsection 3 and SECTIONS 3, 6, 9 and 12. These amendments raise the maximum earnings upon which compensation may be paid from \$5,000 to \$6,000.

SECTIONS 2 and 7. These amendments reduce the waiting period from five days to three days.

BILL 83

1962-63

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 1 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 437, s. 1,
subs. 1, cl. *a*,
re-enacted

(a) "accident" includes,

- (i) a wilful and intentional act, not being the act of the workman,
- (ii) a chance event occasioned by a physical or natural cause, and
- (iii) disablement arising out of and in the course of employment.

(2) Clause *e* of subsection 2 of the said section 1 is amended by striking out "except a rural school board", so that the clause shall read as follows: R.S.O. 1960,
c. 437, s. 1,
subs. 2, cl. *e*,
amended

(e) a school board.

(3) Subsection 3 of the said section 1 is amended by striking out "\$5,000" in the eleventh line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 1,
subs. 3,
amended

2. Clause *a* of subsection 1 of section 3 of *The Workmen's Compensation Act* is amended by striking out "five" in the second line and inserting in lieu thereof "three". R.S.O. 1960,
c. 437, s. 3,
subs. 1, cl. *a*,
amended

3. Section 12 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the fifth line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 12,
amended

R.S.O. 1960,
c. 437, s. 37,
subs. 1, cl. d,
amended 4.—(1) Clause *d* of subsection 1 of section 37 of *The Workmen's Compensation Act* is amended by striking out "\$25" in the fourth line and inserting in lieu thereof "\$40" and by striking out "\$35" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960,
c. 437, s. 37,
subs. 1, cl. e,
amended (2) Clause *e* of subsection 1 of the said section 37 is amended by striking out "\$35" in the second line and inserting in lieu thereof "\$50".

R.S.O. 1960,
c. 437, s. 37,
subs. 3, cl. b,
amended (3) Clause *b* of subsection 3 of the said section 37 is amended by striking out "\$25" in the third line and inserting in lieu thereof "\$40" and by striking out "\$35" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960,
c. 437, s. 37,
subs. 3, cl. c,
amended (4) Clause *c* of subsection 3 of the said section 37 is amended by striking out "\$35" in the first line and inserting in lieu thereof "\$50".

R.S.O. 1960,
c. 437, s. 41,
amended 5. Section 41 of *The Workmen's Compensation Act* is amended by striking out "is able to earn" in the fifth line and inserting in lieu thereof "is physically capable of earning, as determined by the Board", so that the section shall read as follows:

Temporary
partial
disability

41. Where temporary partial disability results from the injury, the compensation shall be a weekly payment of 75 per cent of the difference between the average weekly earnings of the workman before the accident and the average amount that he is earning or is physically capable of earning, as determined by the Board, in some suitable employment or business after the accident, and is payable so long as the disability lasts, and subsection 3 of section 42 applies.

R.S.O. 1960,
c. 437, s. 44,
subs. 1,
amended 6. Subsection 1 of section 44 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the fourth line and inserting in lieu thereof "\$6,000".

R.S.O. 1960,
c. 437, s. 51,
subs. 1,
amended 7. Subsection 1 of section 51 of *The Workmen's Compensation Act* is amended by striking out "five" in the third line and inserting in lieu thereof "three".

R.S.O. 1960,
c. 437, s. 74,
re-enacted 8. Section 74 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Costs

74.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

SECTION 4. These amendments increase pension allowances for children other than orphans from \$25 to \$40 per month and for orphans from \$35 to \$50 per month.

SECTION 5. The amendment is designed to clarify the intent.

SECTION 8. The section is re-enacted to enable the Workmen's Compensation Board to award proper costs in proceedings before it.

SECTION 10. This amendment brings the section into line with the increased jurisdiction of division courts.

SECTION 11. This provision is new; it is self-explanatory.

- (2) The Board may order by whom and to whom any ^{Idem} costs are to be paid and by whom they are to be taxed and allowed.
- (3) The Board may prescribe a scale under which such ^{Idem} costs shall be taxed.
- (4) In this section, the costs may include the costs of ^{Idem} the Board, regard being had to the time and expense of the Board.

9. Subsection 1 of section 99 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the third line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 99,
subs. 1,
amended

10. Section 110 of *The Workmen's Compensation Act* is amended by striking out "\$200" in the eighth line and inserting in lieu thereof "\$400". R.S.O. 1960,
c. 437, s. 110,
amended

11. Subsection 3 of section 114 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 437, s. 114,
subs. 3,
re-enacted

- (3) The amount set forth in a certificate of the Board ^{Lien} filed pursuant to section 110 is a first lien upon all the property, real or personal, of the employer used in or in connection with the industry with respect to which the employer is assessed, subject only to municipal taxes, and the amount levied under execution upon any such judgment to the extent of the amount due upon such execution shall forthwith be paid to the Board.

12. Section 122 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the eighth line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 122,
amended

13.—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 9 and 12, comes into force on the day it receives Royal Assent and applies only in respect of accidents happening on or after that day. Commence-
ment

(2) Subsection 3 of section 1 and sections 3, 6, 9 and 12 ^{Idem} come into force on the 1st day of July, 1963, and apply only in respect of accidents happening on or after that day.

(3) Section 4 comes into force on the 1st day of July, 1963, ^{Idem} and applies to all pension payments accruing after that day whether the accident happened before or happens after that day and whether the award of compensation was made before or is made after that day.

Idem

(4) Subsections 1 and 2 of section 1 and sections 2 and 7 shall be deemed to have come into force on the 3rd day of April, 1963, and apply only in respect of accidents happening on or after that day.

Short title

14. This Act may be cited as *The Workmen's Compensation Amendment Act, 1962-63*.

An Act to amend
The Workmen's Compensation Act

1st Reading

March 12th, 1963

2nd Reading

March 19th, 1963

3rd Reading

MR. ROWNTREE

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 83

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE

BILL 83

1962-63

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 1 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 437, s. 1,
subs. 1, cl. *a*,
re-enacted

(a) "accident" includes,

- (i) a wilful and intentional act, not being the act of the workman,
- (ii) a chance event occasioned by a physical or natural cause, and
- (iii) disablement arising out of and in the course of employment.

(2) Clause *e* of subsection 2 of the said section 1 is amended by striking out "except a rural school board", so that the clause shall read as follows: R.S.O. 1960,
c. 437, s. 1,
subs. 2, cl. *e*,
amended

(e) a school board.

(3) Subsection 3 of the said section 1 is amended by striking out "\$5,000" in the eleventh line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 1,
subs. 3,
amended

2. Clause *a* of subsection 1 of section 3 of *The Workmen's Compensation Act* is amended by striking out "five" in the second line and inserting in lieu thereof "three". R.S.O. 1960,
c. 437, s. 3,
subs. 1, cl. *a*,
amended

3. Section 12 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the fifth line and inserting in lieu thereof "\$6,000". R.S.O. 1960,
c. 437, s. 12,
amended

R.S.O. 1960,
c. 437, s. 37,
subs. 1, cl. d.
amended 4.—(1) Clause *d* of subsection 1 of section 37 of *The Workmen's Compensation Act* is amended by striking out “\$25” in the fourth line and inserting in lieu thereof “\$40” and by striking out “\$35” in the fifth line and inserting in lieu thereof “\$50”.

R.S.O. 1960,
c. 437, s. 37,
subs. 1, cl. e.
amended (2) Clause *e* of subsection 1 of the said section 37 is amended by striking out “\$35” in the second line and inserting in lieu thereof “\$50”.

R.S.O. 1960,
c. 437, s. 37,
subs. 3, cl. b.
amended (3) Clause *b* of subsection 3 of the said section 37 is amended by striking out “\$25” in the third line and inserting in lieu thereof “\$40” and by striking out “\$35” in the fifth line and inserting in lieu thereof “\$50”.

R.S.O. 1960,
c. 437, s. 37,
subs. 3, cl. c.
amended (4) Clause *c* of subsection 3 of the said section 37 is amended by striking out “\$35” in the first line and inserting in lieu thereof “\$50”.

R.S.O. 1960,
c. 437, s. 41,
amended 5. Section 41 of *The Workmen's Compensation Act* is amended by striking out “is able to earn” in the fifth line and inserting in lieu thereof “is physically capable of earning, as determined by the Board”, so that the section shall read as follows:

Temporary
partial
disability 41. Where temporary partial disability results from the injury, the compensation shall be a weekly payment of 75 per cent of the difference between the average weekly earnings of the workman before the accident and the average amount that he is earning or is physically capable of earning, as determined by the Board, in some suitable employment or business after the accident, and is payable so long as the disability lasts, and subsection 3 of section 42 applies.

R.S.O. 1960,
c. 437, s. 44,
subs. 1,
amended 6. Subsection 1 of section 44 of *The Workmen's Compensation Act* is amended by striking out “\$5,000” in the fourth line and inserting in lieu thereof “\$6,000”.

R.S.O. 1960,
c. 437, s. 51,
subs. 1,
amended 7. Subsection 1 of section 51 of *The Workmen's Compensation Act* is amended by striking out “five” in the third line and inserting in lieu thereof “three”.

R.S.O. 1960,
c. 437, s. 74,
re-enacted 8. Section 74 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Costs 74.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

- (2) The Board may order by whom and to whom any ^{Idem} costs are to be paid and by whom they are to be taxed and allowed.
- (3) The Board may prescribe a scale under which such ^{Idem} costs shall be taxed.
- (4) In this section, the costs may include the costs of ^{Idem} the Board, regard being had to the time and expense of the Board.

9. Subsection 1 of section 99 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the third line and inserting in lieu thereof "\$6,000". ^{R.S.O. 1960, c. 437, s. 99, subs. 1, amended}

10. Section 110 of *The Workmen's Compensation Act* is amended by striking out "\$200" in the eighth line and inserting in lieu thereof "\$400". ^{R.S.O. 1960, c. 437, s. 110, amended}

11. Subsection 3 of section 114 of *The Workmen's Compensation Act* is repealed and the following substituted there- ^{R.S.O. 1960, c. 437, s. 114, subs. 3, re-enacted} for:

- (3) The amount set forth in a certificate of the Board ^{Lien} filed pursuant to section 110 is a first lien upon all the property, real or personal, of the employer used in or in connection with the industry with respect to which the employer is assessed, subject only to municipal taxes, and the amount levied under execution upon any such judgment to the extent of the amount due upon such execution shall forthwith be paid to the Board.

12. Section 122 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the eighth line and inserting in lieu thereof "\$6,000". ^{R.S.O. 1960, c. 437, s. 122, amended}

13.—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 9 and 12, comes into force on the day it receives Royal Assent and applies only in respect of accidents happening on or after that day. ^{Commencement}

(2) Subsection 3 of section 1 and sections 3, 6, 9 and 12 come into force on the 1st day of July, 1963, and apply only in respect of accidents happening on or after that day. ^{Idem}

(3) Section 4 comes into force on the 1st day of July, 1963, and applies to all pension payments accruing after that day whether the accident happened before or happens after that day and whether the award of compensation was made before or is made after that day. ^{Idem}

Idem (4) Subsections 1 and 2 of section 1 and sections 2 and 7 shall be deemed to have come into force on the 3rd day of April, 1963, and apply only in respect of accidents happening on or after that day.

Short title **14.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1962-63*.

An Act to amend
The Workmen's Compensation Act

1st Reading

March 12th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. ROWNTREE

BILL 84

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Canadian National Exhibition Association Act, 1948

MR. BRYDEN

EXPLANATORY NOTE

The amendment requires that meetings of the Board of Directors of the Canadian National Exhibition Association be open meetings.

BILL 84

1962-63

An Act to amend The Canadian National Exhibition Association Act, 1948

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Canadian National Exhibition Association Act, 1948* <sup>1948, c. 105,
amended</sup> is amended by adding thereto the following section:

- 6a.—(1) Subject to subsection 3, the ordinary meetings <sup>Meetings of
Board to
be open</sup> of the Board shall be open, and no person shall be excluded therefrom except for improper conduct.
- (2) The presiding officer may expel or exclude from any <sup>Expulsion
of persons</sup> meeting any person who has been guilty of improper conduct at the meeting.
- (3) When the Board is of the opinion and by resolution <sup>Exclusion
of public</sup> so declares that any matter or subject to be dealt with or discussed at an ordinary meeting is of a confidential nature and the disclosure thereof might affect adversely the public interest or the functions of the Board, the public may by such resolution be excluded from the meeting while such matter or subject is being discussed or considered.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Canadian National* ^{Short title} *Exhibition Association Amendment Act, 1962-63.*

An Act to amend The Canadian National
Exhibition Association Act, 1948

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. BRYDEN

BILL 85

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Public Health Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

BILL 85

1962-63

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 6 of *The Public Health Act* is amended by inserting after “insulin” in the second line “or any substance for the control or treatment of diabetes designated by the regulations” and by adding at the end thereof “and designating such substances”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 321, s. 6,
par. 8,
amended

8. prescribing the terms and conditions upon which insulin, etc. insulin or any substance for the control or treatment of diabetes designated by the regulations may be supplied free of charge to indigent persons under section 56 and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost, and designating such substances.

(2) The said section 6 is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 321, s. 6,
amended

- 28a. defining industrial wiping rags and prescribing industrial wiping rags methods of processing or preparing such rags for use in industry, and regulating the sale or the offering for sale of such rags, and prohibiting the sale or the offering for sale of such rags that have not been processed or prepared as prescribed by the regulations.

(3) Paragraph 35 of the said section 6 is amended by adding at the end thereof “and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 321, s. 6,
par. 35,
amended

swimming
pools

35. prescribing standards for the location, construction, alteration, repair, operation and maintenance of swimming pools, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers.

R.S.O. 1960,
c. 321, s. 35,
subs. 6,
amended

2.—(1) Subsection 6 of section 35 of *The Public Health Act* is amended by adding thereto the following clause:

- (f) prescribing the amounts, manner, method, times and conditions of payment of the grants to health units mentioned in subsection 9.

R.S.O. 1960,
c. 321, s. 35,
subs. 7,
re-enacted

(2) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

Expenses

- (7) The expenses incurred by a health unit in establishing and maintaining the health unit and in performing its functions under this or any other Act shall be borne and paid in such proportion as is agreed upon or, in default of agreement, in such proportion as is fixed by the regulations.

R.S.O. 1960,
c. 321,
amended

3. *The Public Health Act* is amended by adding thereto the following section:

Interpre-
tation

- 35a.—(1) In this section, “separated local board” means the local board of health of a health unit that has been formed under subsection 2 of section 34, and “separated health unit” has a corresponding meaning.

Corporate
status

- (2) A separated local board is a corporation to be known by such name as it may by by-law adopt with the approval of the Minister.

Property

- (3) All property, real and personal, heretofore vested in a board of health of a health unit that has been formed under subsection 2 of section 34 is vested in the separated local board.

Idem

- (4) With the consent of the municipalities forming a separated health unit, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property.

SECTION 2—Subsection 1. This new clause will authorize regulations under which grants to health units will be administered.

Subsection 2. The intent of the subsection is clarified.

SECTION 3. This new section is designed to clarify the status and operation of health units formed by two or more municipalities.

SECTION 4. The subsection is broadened to include prescribed substances as well as insulin for the control or treatment of diabetes.

- (5) A separated local board may provide pensions for ^{Pensions} its officers and employees with or without requiring contributions from such employees, and may make from time to time such payments as may be necessary for the purpose.
- (6) A separated local board may pass by-laws respecting, ^{By-laws}
- (a) the management of its property;
 - (b) banking and finance;
 - (c) the holding or conducting of meetings;
 - (d) the appointment, duties and removal of officers and employees, and their remuneration, pensions and other benefits; and
 - (e) any matter necessary or advisable for the management of the affairs of the board.
- (7) A copy of each by-law shall be delivered or sent by ^{Idem} mail by the secretary of the separated local board to the clerk of each municipality forming the health unit within fifteen days of the by-law becoming effective.
- 4.** Subsection 1 of section 56 of *The Public Health Act* is ^{R.S.O. 1960, c. 321, s. 56, subs. 1, re-enacted} repealed and the following substituted therefor:
- (1) The Minister may supply insulin or any substance ^{Insulin, etc., supplied free} for the control or treatment of diabetes designated by the regulations to indigent persons free of charge upon such terms and conditions as the regulations may prescribe.
- 5.** This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}
- 6.** This Act may be cited as *The Public Health Amendment* ^{Short title} *Act, 1962-63.*

An Act to amend The Public Health Act

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. DYMOND

BILL 85

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Public Health Act

MR. DYMOND

(Reprinted as amended by the Committee on Health and Welfare)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

BILL 85

1962-63

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 6 of *The Public Health Act* R.S.O. 1960, c. 321, s. 6, par. 8, amended is amended by inserting after “insulin” in the second line “or any substance for the control or treatment of diabetes designated by the regulations” and by adding at the end thereof “and designating such substances”, so that the paragraph shall read as follows:

8. prescribing the terms and conditions upon which insulin, etc. insulin or any substance for the control or treatment of diabetes designated by the regulations may be supplied free of charge to indigent persons under section 56 and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost, and designating such substances.

(2) The said section 6 is amended by adding thereto the R.S.O. 1960, c. 321, s. 6, amended following paragraph:

- 28a. defining industrial wiping rags and prescribing industrial wiping rags methods of processing or preparing such rags for use in industry, and regulating the sale or the offering for sale of such rags, and prohibiting the sale or the offering for sale of such rags that have not been processed or prepared as prescribed by the regulations.

(3) Paragraph 35 of the said section 6 is amended by R.S.O. 1960, c. 321, s. 6, par. 35, amended adding at the end thereof “and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers”, so that the paragraph shall read as follows:

swimming
pools

35. prescribing standards for the location, construction, alteration, repair, operation and maintenance of swimming pools, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers.

R.S.O. 1960,
c. 321, s. 35,
subs. 6,
amended

2.—(1) Subsection 6 of section 35 of *The Public Health Act* is amended by adding thereto the following clause:

- (f) prescribing the amounts, manner, method, times and conditions of payment of the grants to health units mentioned in subsection 9.

R.S.O. 1960,
c. 321, s. 35,
subs. 7,
re-enacted

(2) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

Expenses

- (7) The expenses incurred by a health unit in establishing and maintaining the health unit and in performing its functions under this or any other Act shall be borne and paid in such proportion as is agreed upon or, in default of agreement, in such proportion as is fixed by the regulations.

R.S.O. 1960,
c. 321,
amended

3. *The Public Health Act* is amended by adding thereto the following section:

Interpre-
tation

- 35a.—(1) In this section, “separated local board” means the local board of health of a health unit that has been formed under subsection 2 of section 35, and “separated health unit” has a corresponding meaning.

Corporate
status

- (2) A separated local board is a corporation to be known by such name as it may by by-law adopt with the approval of the Minister.

Property

- (3) All property, real and personal, heretofore vested in a board of health of a health unit that has been formed under subsection 2 of section 35 is vested in the separated local board.

Idem

- (4) With the consent of the municipalities forming a separated health unit, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property.

SECTION 2—Subsection 1. This new clause will authorize regulations under which grants to health units will be administered.

Subsection 2. The intent of the subsection is clarified.

SECTION 3. This new section is designed to clarify the status and operation of health units formed by two or more municipalities.

SECTION 4. The subsection is broadened to include prescribed substances as well as insulin for the control or treatment of diabetes.

(5) A separated local board may pass by-laws respecting, ^{By-laws}

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding or conducting of meetings;
- (d) the appointment, duties and removal of officers and employees, and their remuneration, pensions and other benefits; and
- (e) any matter necessary or advisable for the management of the affairs of the board.

(6) A copy of each by-law shall be delivered or sent by ^{Idem} mail by the secretary of the separated local board to the clerk of each municipality forming the health unit within fifteen days of the by-law becoming effective.

4. Subsection 1 of section 56 of *The Public Health Act* is ^{R.S.O. 1960, c. 321, s. 56, subs. 1, re-enacted} repealed and the following substituted therefor:

(1) The Minister may supply insulin or any substance ^{Insulin, etc., supplied free} for the control or treatment of diabetes designated by the regulations to indigent persons free of charge upon such terms and conditions as the regulations may prescribe.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The Public Health Amendment* ^{Short title} Act, 1962-63.

An Act to amend The Public Health Act

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

MR. DYMOND

(Reprinted as amended by the
Committee on Health and Welfare)

BILL 85

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Public Health Act

MR. DYMOND

BILL 85

1962-63

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 6 of *The Public Health Act* R.S.O. 1960, c. 321, s. 6, par. 8, amended is amended by inserting after “insulin” in the second line “or any substance for the control or treatment of diabetes designated by the regulations” and by adding at the end thereof “and designating such substances”, so that the paragraph shall read as follows:

8. prescribing the terms and conditions upon which insulin, etc. insulin or any substance for the control or treatment of diabetes designated by the regulations may be supplied free of charge to indigent persons under section 56 and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost, and designating such substances.

(2) The said section 6 is amended by adding thereto the R.S.O. 1960, c. 321, s. 6, amended following paragraph:

28a. defining industrial wiping rags and prescribing industrial wiping rags methods of processing or preparing such rags for use in industry, and regulating the sale or the offering for sale of such rags, and prohibiting the sale or the offering for sale of such rags that have not been processed or prepared as prescribed by the regulations.

(3) Paragraph 35 of the said section 6 is amended by R.S.O. 1960, c. 321, s. 6, par. 35, amended adding at the end thereof “and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers”, so that the paragraph shall read as follows:

swimming
pools

35. prescribing standards for the location, construction, alteration, repair, operation and maintenance of swimming pools, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers.

R.S.O. 1960,
c. 321, s. 35,
subs. 6,
amended

2.—(1) Subsection 6 of section 35 of *The Public Health Act* is amended by adding thereto the following clause:

- (f) prescribing the amounts, manner, method, times and conditions of payment of the grants to health units mentioned in subsection 9.

R.S.O. 1960,
c. 321, s. 35,
subs. 7,
re-enacted

(2) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

Expenses

- (7) The expenses incurred by a health unit in establishing and maintaining the health unit and in performing its functions under this or any other Act shall be borne and paid in such proportion as is agreed upon or, in default of agreement, in such proportion as is fixed by the regulations.

R.S.O. 1960,
c. 321,
amended

3. *The Public Health Act* is amended by adding thereto the following section:

Interpre-
tation

- 35a.—(1) In this section, "separated local board" means the local board of health of a health unit that has been formed under subsection 2 of section 35, and "separated health unit" has a corresponding meaning.

Corporate
status

- (2) A separated local board is a corporation to be known by such name as it may by by-law adopt with the approval of the Minister.

Property

- (3) All property, real and personal, heretofore vested in a board of health of a health unit that has been formed under subsection 2 of section 35 is vested in the separated local board.

Idem

- (4) With the consent of the municipalities forming a separated health unit, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property.

(5) A separated local board may pass by-laws respecting, ^{By-laws}

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding or conducting of meetings;
- (d) the appointment, duties and removal of officers and employees, and their remuneration, pensions and other benefits; and
- (e) any matter necessary or advisable for the management of the affairs of the board.

(6) A copy of each by-law shall be delivered or sent by ^{Idem} mail by the secretary of the separated local board to the clerk of each municipality forming the health unit within fifteen days of the by-law becoming effective.

4. Subsection 1 of section 56 of *The Public Health Act* is ^{R.S.O. 1960, c. 321, s. 56} repealed and the following substituted therefor: ^{subs. 1, re-enacted}

- (1) The Minister may supply insulin or any substance ^{Insulin, etc., supplied free} for the control or treatment of diabetes designated by the regulations to indigent persons free of charge upon such terms and conditions as the regulations may prescribe.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The Public Health Amendment* ^{Short title} *Act, 1962-63.*

An Act to amend The Public Health Act

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 86

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Psychiatric Hospitals Act

MR. DYMOND

EXPLANATORY NOTES

SECTIONS 1 and 2. The purpose is to provide suitable boarding-home accommodation for patients who are about to be discharged from psychiatric hospitals pending re-establishment in the community.

BILL 86

1962-63

An Act to amend The Psychiatric Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Psychiatric Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 315,
amended

- 16a.—(1) This section does not apply to a patient admitted to a psychiatric hospital upon the warrant of the Lieutenant Governor under clause *b* of subsection 1 of section 9 or on remand by an order of a judge or magistrate under clause *e* of subsection 1 of section 9. Where
section
does not
apply
- (2) The Minister may approve any premises as an approved home for the reception of patients who are released from a psychiatric hospital into the care of the proprietor of such approved home. Approval
of homes
- (3) If the superintendent of a psychiatric hospital considers it conducive to the recovery of a patient, or otherwise for his benefit, he may place the patient in an approved home. Placing of
patients in
approved
homes
authorized
- (4) A patient who is placed in an approved home shall be deemed to continue as a patient in the hospital in the same manner and to the same extent as if he had not been so placed but had remained in the hospital. Patient
status
continues
- (5) The superintendent may pay to the proprietor of an approved home an amount not exceeding the amount prescribed by the regulations for the care and maintenance of patients therein. Payment
authorized

2. Section 21 of *The Psychiatric Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 315, s. 21,
amended

- (ca) prescribing the maximum amount that may be paid by superintendents of psychiatric hospitals for the care and treatment of patients in approved homes.

R.S.O. 1960, c. 315, amended **3.** *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Forensic
Clinic

23.—(1) There shall be a division of the Toronto Psychiatric Hospital to be known as The Forensic Clinic of the Toronto Psychiatric Hospital.

Director

(2) There shall be a director of the Clinic.

Orders to
attend

(3) A judge or magistrate may order any person who is before him charged with or convicted of any offence to attend the Clinic for physical or mental examination, diagnosis or treatment.

Prerequisite
of order

(4) An order under subsection 3 shall not be made until the judge or magistrate has ascertained from the director of the Clinic that the services of the Clinic are available to the person named in the order.

Director's
report

(5) The director of the Clinic may in his discretion report all or any part of the information compiled by the Clinic to,

(a) the judge or magistrate who made the order;

(b) an inspector;

(c) the person examined; or

(d) any person who, in the opinion of the director, has a *bona fide* interest in the person examined.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1962-63*.

SECTION 3. The purpose is to give statutory authority for The Forensic Clinic of the Toronto Psychiatric Hospital and to clarify the referral procedures.

The Laid Press, London, 1843

An Act to amend
The Psychiatric Hospitals Act

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. DYMOND

BILL 86

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Psychiatric Hospitals Act

MR. DYMOND



BILL 86

1962-63

An Act to amend The Psychiatric Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Psychiatric Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 315,
amended

- 16a.—(1) This section does not apply to a patient admitted to a psychiatric hospital upon the warrant of the Lieutenant Governor under clause *b* of subsection 1 of section 9 or on remand by an order of a judge or magistrate under clause *e* of subsection 1 of section 9. Where
section
does not
apply
- (2) The Minister may approve any premises as an approved home for the reception of patients who are released from a psychiatric hospital into the care of the proprietor of such approved home. Approval
of premises
- (3) If the superintendent of a psychiatric hospital considers it conducive to the recovery of a patient, or otherwise for his benefit, he may place the patient in an approved home. Placing of
patients in
approved
homes
authorized
- (4) A patient who is placed in an approved home shall be deemed to continue as a patient in the hospital in the same manner and to the same extent as if he had not been so placed but had remained in the hospital. Patient
status
continues
- (5) The superintendent may pay to the proprietor of an approved home an amount not exceeding the amount prescribed by the regulations for the care and maintenance of patients therein. Payment
authorized

2. Section 21 of *The Psychiatric Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 315, s. 21,
amended

- (ca) prescribing the maximum amount that may be paid by superintendents of psychiatric hospitals for the care and treatment of patients in approved homes.

R.S.O. 1960,
c. 315,
amended

3. *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Forensic
Clinic

23.—(1) There shall be a division of the Toronto Psychiatric Hospital to be known as The Forensic Clinic of the Toronto Psychiatric Hospital.

Director

(2) There shall be a director of the Clinic.

Orders to
attend

(3) A judge or magistrate may order any person who is before him charged with or convicted of any offence to attend the Clinic for physical or mental examination, diagnosis or treatment.

Prerequisite
of order

(4) An order under subsection 3 shall not be made until the judge or magistrate has ascertained from the director of the Clinic that the services of the Clinic are available to the person named in the order.

Director's
report

(5) The director of the Clinic may in his discretion report all or any part of the information compiled by the Clinic to,

(a) the judge or magistrate who made the order;

(b) an inspector;

(c) the person examined; or

(d) any person who, in the opinion of the director, has a *bona fide* interest in the person examined.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1962-63*.

THE UNIVERSITY OF CHICAGO
IN THE CITY OF CHICAGO

An Act to amend
The Psychiatric Hospitals Act

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 87

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Radiological Technicians in Ontario

MR. DYMOND

EXPLANATORY NOTE

The Bill provides that only persons qualified under the Act may hold themselves out as "Registered Radiological Technicians", and provides for a governing body and a system of registration.

BILL 87

1962-63

An Act respecting Radiological Technicians in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "Board" means the board appointed under this Act;
- (b) "Canadian Society" means the Canadian Society of Radiological Technicians;
- (c) "Ontario Society" means the Ontario Society of Radiological Technicians;
- (d) "radiological technician" means a person who practises the technical aspects of the medical use of ionizing radiation, including Roentgen or X-rays, radium, radio-active isotopes and particles for diagnosis or treatment;
- (e) "radiologist" means a duly qualified medical practitioner who holds a specialist certification in diagnostic or therapeutic radiology from the Royal College of Physicians and Surgeons of Canada;
- (f) "registered" means registered under this Act, and "registration" has a corresponding meaning;
- (g) "registrar" means the registrar appointed by the Board;
- (h) "regulations" means the regulations made under this Act.

2.—(1) The Lieutenant Governor in Council may appoint **Board** a board consisting of seven members to be known as the Board of Radiological Technicians, comprising,

- (a) four radiological technicians recommended by the Board of Directors of the Ontario Society;
- (b) two radiologists recommended by the Section of Radiology of the Ontario Medical Association; and
- (c) one non-radiological person recommended by the Board of Directors of the Ontario Medical Association from the secretariat of the Ontario Medical Association.

Term of office

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

Vacancies

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

Officers

(4) The Board shall elect one member of the Board to be the chairman, one to be the vice-chairman and one to be the secretary-treasurer of the Board.

Corporation

3.—(1) The Board is hereby constituted a corporation.

Function

(2) The Board shall administer and enforce this Act and the regulations.

Actions against Board barred

(3) No action shall be brought against the Board or any member of it for anything done under this Act or the regulations.

By-laws

4. The Board may pass by-laws providing for,

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
- (c) the appointment and remuneration of a registrar, teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
- (d) banking and finance and the management of its property;

- (e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act; and
- (f) all other matters reasonably necessary for carrying out the provisions of this Act.

5.—(1) The Board shall register any radiological technician ^{Registration} who at the date of the coming into force of this Act,

- (a) is an active or associate member of the Ontario Society; or
- (b) has met the training and examination standards prescribed jointly by the Canadian Society and the Canadian Association of Radiologists, and is practising as a radiological technician in Ontario, and applies to the Board to be registered within one year after this Act comes into force; or
- (c) has been practising in Ontario as a radiological technician for a period of five years under the supervision of a duly qualified medical practitioner and has complied with the requirements of the regulations.

(2) The registrar shall register any person who, Idem

- (a) has completed the course of training prescribed by the regulations;
- (b) has passed the examinations of the Board; and
- (c) has paid the prescribed fees.

6.—(1) The registrar shall keep a register of all registered ^{Register} radiological technicians showing their places of business or employment from time to time.

(2) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register, and the registrar shall make such entry, erasure or amendment. ^{Errors. etc.}

7. The registrar shall issue a certificate of registration in ^{Certificate of} respect of each registration, which shall be renewed annually ^{registration} at such times and upon such conditions and the payment of such fee as the regulations prescribe.

Use of
title

8. No person shall use the title "Registered Radiological Technician" or the abbreviation "R.R.T." unless he is registered.

Unauthor-
ized use of
title, etc.

9.—(1) Any person not registered,

(a) who assumes or uses the title "Registered Radiological Technician" or the abbreviation "R.R.T.", or any other words or letters to indicate that he is a registered radiological technician; or

(b) who directly or indirectly by advertisement, sign or statement of any kind advertises, alleges or claims by any means whatsoever that he is entitled to assume or use the title "Registered Radiological Technician" or the abbreviation "R.R.T.",

is guilty of an offence and is liable on summary conviction, for a first offence, to a fine of not less than \$100 and not more than \$200 and, for any subsequent offence, to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

Disposition
of fines

(2) All fines recovered for offences against this section shall be paid to the registrar for the use of the Board.

Suspension,
revocation of
registration

10.—(1) The Board may by order suspend or revoke the registration of any registered radiological technician who it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetence, fraud or misrepresentation in connection with his practice.

Public
hearing

(2) Before suspending or revoking the registration of a registered radiological technician under subsection 1, the Board shall, by notice in writing, inform him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing in person or by counsel before the Board at a public hearing and of presenting such evidence and making such representations as he desires.

Powers

(3) The chairman or vice-chairman of the Board in conducting a public hearing under this section has the same powers as may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

Review of
order

(4) The Board may review at any time any order made under this section and may make such further order as it deems proper.

(5) A copy of any order made under this section shall be served on the person affected. ^{Service of order}

11.—(1) Any person affected by an order made under section 10 may appeal therefrom to a judge of the county or district court of the county or district in which he practises. ^{Appeal}

(2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order of the Board on the person affected by filing a copy of the notice of appeal with the clerk of the court and serving a copy thereof on the registrar. ^{Notice of appeal}

(3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed. ^{Date of hearing}

(4) The appellant may appear on the appeal in person or by counsel, and the Board may appear by any member thereof or by counsel. ^{Appearances}

(5) The hearing of the appeal shall be a trial *de novo*, and the judge may hear all such evidence as he deems to be relevant and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside. ^{Nature of appeal}

12. Nothing in this Act applies to a duly qualified medical practitioner or a person legally qualified and entitled to practise dentistry. ^{Saving as to physicians, dentists}

13. The register, or a copy thereof certified by the registrar, is admissible in any proceedings as evidence of registration or of lack thereof. ^{Register as evidence}

14. No registered radiological technician is liable in any civil action for negligence or malpractice by reason of professional services requested or rendered unless such action is commenced within twelve months from the date when, in the matter complained of, such professional services terminated. ^{Limitation of actions}

15.—(1) The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations, ^{Regulations}

- (a) prescribing the requirements for admission to courses of training for radiological technicians and the content of such courses;
- (b) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians;

- (c) governing registration and the suspension and cancellation of registration and the issue and renewal of certificates of registration;
- (d) defining unprofessional conduct for the purposes of this Act;
- (e) prescribing fees for the examination of candidates for registration, and for registration and for the renewal of registration;
- (f) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Submission
of regula-
tions for
approval

(2) Every regulation made by the Board shall be submitted in writing to the Council of the College of Physicians and Surgeons at least thirty days before being submitted to the Lieutenant Governor in Council for approval, and any submissions of the Council of the College of Physicians and Surgeons shall be submitted to the Lieutenant Governor in Council with the application for approval of the regulations.

Commence-
ment

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

17. This Act may be cited as *The Radiological Technicians Act, 1962-63*.

Physiology and Pathology of the
Human Eye

An Act respecting
Radiological Technicians in Ontario

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. DYMOND

BILL 87

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Radiological Technicians in Ontario

MR. DYMOND

(Reprinted as amended by the Committee on Health and Welfare)

EXPLANATORY NOTE

The Bill provides that only persons qualified under the Act may hold themselves out as "Registered Radiological Technicians", and provides for a governing body and a system of registration.

BILL 87

1962-63

An Act respecting Radiological Technicians in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board appointed under this Act;
- (b) "Canadian Society" means the Canadian Society of Radiological Technicians;
- (c) "Ontario Society" means the Ontario Society of Radiological Technicians;
- (d) "radiological technician" means a person who practises the technical aspects of the medical use of ionizing radiation, including Roentgen or X-rays, radium, radio-active isotopes and particles for diagnosis or treatment;
- (e) "radiologist" means a duly qualified medical practitioner who holds a specialist certification in diagnostic or therapeutic radiology from the Royal College of Physicians and Surgeons of Canada;
- (f) "registered" means registered under this Act, and "registration" has a corresponding meaning;
- (g) "registrar" means the registrar appointed by the Board;
- (h) "regulations" means the regulations made under this Act.

2.—(1) The Lieutenant Governor in Council may appoint ^{Board} a board consisting of seven members to be known as the Board of Radiological Technicians, comprising,

- (a) four radiological technicians recommended by the Board of Directors of the Ontario Society;
- (b) two radiologists recommended by the Section of Radiology of the Ontario Medical Association; and
- (c) one person, recommended by the Board of Directors of the Ontario Medical Association from the secretariat of the Ontario Medical Association, who is not a radiologist.

Term of office

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

Vacancies

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

Officers

(4) The Board shall elect one member of the Board to be the chairman, one to be the vice-chairman and one to be the secretary-treasurer of the Board.

Corporation

3.—(1) The Board is hereby constituted a corporation.

Function

(2) The Board shall administer and enforce this Act and the regulations.

Actions against Board barred

(3) No action shall be brought against the Board or any member of it for anything done under this Act or the regulations.

By-laws

4. The Board may pass by-laws providing for,

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
- (c) the appointment and remuneration of a registrar, teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
- (d) banking and finance and the management of its property;

- (e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act; and
- (f) all other matters reasonably necessary for carrying out the provisions of this Act.

5.—(1) The Board shall register any radiological technician ^{Registration} who at the date of the coming into force of this Act,

- (a) is an active or associate member of the Ontario Society; or
- (b) has met the training and examination standards prescribed jointly by the Canadian Society and the Canadian Association of Radiologists, and is practising as a radiological technician in Ontario, and applies to the Board to be registered within one year after this Act comes into force; or
- (c) has been practising in Ontario as a radiological technician for a period of five years under the supervision of a duly qualified medical practitioner and has complied with the requirements of the regulations.

(2) The registrar shall register any person who, ^{Idem}

- (a) has completed the course of training prescribed by the regulations;
- (b) has passed the examinations of the Board; and
- (c) has paid the prescribed fees.

6.—(1) The registrar shall keep a register of all registered ^{Register} radiological technicians showing their places of business or employment from time to time.

(2) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register, and the registrar shall make such entry, erasure or amendment. ^{Errors, etc.}

7. The registrar shall issue a certificate of registration in ^{Certificate of registration} respect of each registration, which shall be renewed annually at such times and upon such conditions and the payment of such fee as the regulations prescribe.

Use of
title

8. No person shall use the title "Registered Radiological Technician" or the abbreviation "R.R.T." unless he is registered.

Unauthor-
ized use of
title, etc.

9.—(1) Any person not registered,

(a) who assumes or uses the title "Registered Radiological Technician" or the abbreviation "R.R.T.", or any other words or letters to indicate that he is a registered radiological technician; or

(b) who directly or indirectly by advertisement, sign or statement of any kind advertises, alleges or claims by any means whatsoever that he is entitled to assume or use the title "Registered Radiological Technician" or the abbreviation "R.R.T.",

is guilty of an offence and is liable on summary conviction, for a first offence, to a fine of not less than \$100 and not more than \$200 and, for any subsequent offence, to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

Disposition
of fines

(2) All fines recovered for offences against this section shall be paid to the registrar for the use of the Board.

Suspension,
revocation of
registration

10.—(1) The Board may by order suspend or revoke the registration of any registered radiological technician who it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetence, fraud or misrepresentation in connection with his practice.

Public
hearing

(2) Before suspending or revoking the registration of a registered radiological technician under subsection 1, the Board shall, by notice in writing, inform him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing in person or by counsel before the Board at a public hearing and of presenting such evidence and making such representations as he desires.

Powers

(3) The chairman or vice-chairman of the Board in conducting a public hearing under this section has the same powers as may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

Review of
order

(4) The Board may review at any time any order made under this section and may make such further order as it deems proper.

(5) A copy of any order made under this section shall be ^{Service of order} served on the person affected.

11.—(1) Any person affected by an order made under ^{Appeal} section 10 may appeal therefrom to a judge of the county or district court of the county or district in which he practises.

(2) Notice of appeal shall be given in writing within two ^{Notice of appeal} weeks after service of the copy of the order of the Board on the person affected by filing a copy of the notice of appeal with the clerk of the court and serving a copy thereof on the registrar.

(3) The appellant shall apply to the judge to fix a date ^{Date of hearing} for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed.

(4) The appellant may appear on the appeal in person or ^{Appearances} by counsel, and the Board may appear by any member thereof or by counsel.

(5) The hearing of the appeal shall be a trial *de novo*, and ^{Nature of appeal} the judge may hear all such evidence as he deems to be relevant and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside.

12. The register, or a copy thereof certified by the registrar, ^{Register as evidence} is admissible in any proceedings as evidence of registration or of lack thereof.

13. No registered radiological technician is liable in any ^{Limitation of actions} civil action for negligence or malpractice by reason of professional services requested or rendered unless such action is commenced within twelve months from the date when, in the matter complained of, such professional services terminated.

14.—(1) The Board, subject to the approval of the ^{Regulations} Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to courses of training for radiological technicians and the content of such courses;
- (b) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians;
- (c) governing registration and the suspension and cancellation of registration and the issue and renewal of certificates of registration;

- (d) defining unprofessional conduct for the purposes of this Act;
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Submission
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(2) Every regulation made by the Board shall be submitted in writing to the Council of the College of Physicians and Surgeons at least thirty days before being submitted to the Lieutenant Governor in Council for approval, and any submissions of the Council of the College of Physicians and Surgeons shall be submitted to the Lieutenant Governor in Council with the application for approval of the regulations.

Commence-
ment

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

16. This Act may be cited as *The Radiological Technicians Act, 1962-63*.



Einzelne oder
mehrere in der Reihe

An Act respecting
Radiological Technicians in Ontario

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

MR. DYMOND

(Reprinted as amended by the
Committee on Health and Welfare)

BILL 87

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Radiological Technicians in Ontario

MR. DYMOND

1911

BILL 87

1962-63

An Act respecting Radiological Technicians in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
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- (b) "Canadian Society" means the Canadian Society of Radiological Technicians;
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(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

Vacancies

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

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7. The registrar shall issue a certificate of registration in ^{Certificate of} respect of each registration, which shall be renewed annually ^{registration} at such times and upon such conditions and the payment of such fee as the regulations prescribe.

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is guilty of an offence and is liable on summary conviction, for a first offence, to a fine of not less than \$100 and not more than \$200 and, for any subsequent offence, to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

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Public
hearing

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Powers

(3) The chairman or vice-chairman of the Board in conducting a public hearing under this section has the same powers as may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

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order

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(2) Notice of appeal shall be given in writing within two ^{Notice of appeal} weeks after service of the copy of the order of the Board on the person affected by filing a copy of the notice of appeal with the clerk of the court and serving a copy thereof on the registrar.

(3) The appellant shall apply to the judge to fix a date ^{Date of hearing} for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed.

(4) The appellant may appear on the appeal in person or ^{Appearances} by counsel, and the Board may appear by any member thereof or by counsel.

(5) The hearing of the appeal shall be a trial *de novo*, and ^{Nature of appeal} the judge may hear all such evidence as he deems to be relevant and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside.

12. The register, or a copy thereof certified by the registrar, ^{Register as evidence} is admissible in any proceedings as evidence of registration or of lack thereof.

13. No registered radiological technician is liable in any ^{Limitation of actions} civil action for negligence or malpractice by reason of professional services requested or rendered unless such action is commenced within twelve months from the date when, in the matter complained of, such professional services terminated.

14.—(1) The Board, subject to the approval of the ^{Regulations} Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to courses of training for radiological technicians and the content of such courses;
- (b) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians;
- (c) governing registration and the suspension and cancellation of registration and the issue and renewal of certificates of registration;

- (d) defining unprofessional conduct for the purposes of this Act;
- (e) prescribing fees for the examination of candidates for registration, and for registration and for the renewal of registration;
- (f) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Submission
of regula-
tions for
approval

(2) Every regulation made by the Board shall be submitted in writing to the Council of the College of Physicians and Surgeons at least thirty days before being submitted to the Lieutenant Governor in Council for approval, and any submissions of the Council of the College of Physicians and Surgeons shall be submitted to the Lieutenant Governor in Council with the application for approval of the regulations.

Commence-
ment

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

16. This Act may be cited as *The Radiological Technicians Act, 1962-63*.

An Act respecting
Radiological Technicians in Ontario

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 88

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Private Sanitaria Act

MR. DYMOND

EXPLANATORY NOTES

SECTIONS 1 and 4. The present Act provides that, when a voluntary patient is admitted to a private sanitarium, a legally qualified medical practitioner must certify that the patient is capable of appreciating the fact that he is being admitted as a voluntary patient.

In some cases, the patient presents himself for admission without a doctor's certificate and in these cases it is desirable that he be admitted without any unnecessary delay. In order to accommodate this type of patient, these amendments provide that the certificate must be completed within twelve hours after admission of the patient.

SECTION 2. This amendment extends the recommittal provision to habitues.

SECTION 3. These new subsections are similar in principle to an amendment made last year to *The Mental Hospitals Act* and will enable patients to leave private sanatoria for a few days to visit their relatives or friends.

BILL 88

1962-63

An Act to amend The Private Sanitaria Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Private Sanitaria Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 307, s. 20,
amended

(1a) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium. Idem

2. Subsection 2 of section 42 of *The Private Sanitaria Act* is amended by striking out "or mentally defective" in the second line and inserting in lieu thereof "mentally defective or a habitue", so that the subsection shall read as follows: R.S.O. 1960,
c. 307, s. 42,
subs. 2,
amended

(2) If within six months thereafter the patient again becomes mentally ill, mentally defective or a habitue to such a degree that his confinement in a sanitarium is necessary, the medical superintendent, with the consent of the inspector or one of the visitors, to be endorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that the patient be apprehended and brought back to the sanitarium, and the warrant so endorsed is authority to anyone acting under it to apprehend the person named in it and to bring him back to the sanitarium. Recommittal
to
sanitarium

3. Section 43 of *The Private Sanitaria Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 307, s. 43,
amended

(2) The superintendent of a sanitarium may permit any patient to leave the sanitarium for a specified period of not more than five days for the purpose of visiting his relatives or friends. Leave of
absence

Recommittal (3) Any patient who leaves the sanitarium under subsection 1 or 2 and who does not return within the specified time may be apprehended and brought back to the sanitarium in the manner provided in subsection 2 of section 42.

R.S.O. 1960,
c. 307, s. 52,
amended 4. Section 52 of *The Private Sanitaria Act* is amended by adding thereto the following subsection:

Idem (3) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium.

Commence-
ment 5. This Act comes into force on the day it receives Royal Assent.

Short title 6. This Act may be cited as *The Private Sanitaria Amendment Act, 1962-63*.

The Library, 2001-11-14
in 1910-1911

An Act to amend
The Private Sanitaria Act

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. DYMOND

BILL 88

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Private Sanitaria Act

MR. DYMOND

BILL 88

1962-63

An Act to amend The Private Sanitaria Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Private Sanitaria Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 307, s. 20,
amended

(1a) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium. Idem

2. Subsection 2 of section 42 of *The Private Sanitaria Act* is amended by striking out "or mentally defective" in the second line and inserting in lieu thereof "mentally defective or a habitue", so that the subsection shall read as follows: R.S.O. 1960,
c. 307, s. 42,
subs. 2,
amended

(2) If within six months thereafter the patient again becomes mentally ill, mentally defective or a habitue to such a degree that his confinement in a sanitarium is necessary, the medical superintendent, with the consent of the inspector or one of the visitors, to be endorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that the patient be apprehended and brought back to the sanitarium, and the warrant so endorsed is authority to anyone acting under it to apprehend the person named in it and to bring him back to the sanitarium. Recommittal
to
sanitarium

3. Section 43 of *The Private Sanitaria Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 307, s. 43,
amended

(2) The superintendent of a sanitarium may permit any patient to leave the sanitarium for a specified period of not more than five days for the purpose of visiting his relatives or friends. Leave of
absence

Recommittal

- (3) Any patient who leaves the sanitarium under subsection 1 or 2 and who does not return within the specified time may be apprehended and brought back to the sanitarium in the manner provided in subsection 2 of section 42.

R.S.O. 1960,
c. 307, s. 52,
amended

4. Section 52 of *The Private Sanitaria Act* is amended by adding thereto the following subsection:

Idem

- (3) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Private Sanitaria Amendment Act, 1962-63*.

An Act to amend
The Private Sanitaria Act

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 89

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Cemeteries Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. Section 8 of the Act provides that the applicant for approval of a commercial cemetery must provide security for proper maintenance, etc.

The section is re-enacted in order to clarify the intent, to bring it into line with administrative practices, and to provide a means of returning deposits when no longer required.

SECTION 2. Clause *ha* is complementary to section 1 of this Bill.

Clause *hb* is complementary to section 3 of this Bill.

SECTION 3. Section 37*a* of the Act, which deals with pre-need assurance funds, that is, the funds that a cemetery owner is required to set aside out of the sale price of cemetery supplies and services when sold in advance of need, is re-enacted in order to clarify the intent.

BILL 89

1962-63

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Cemeteries Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 47, s. 8,
re-enacted

8.—(1) No application for the establishment or enlargement of a cemetery, columbarium or mausoleum to be operated for gain or profit shall be approved unless the owner has set aside as a deposit to assure the maintenance of the cemetery, columbarium or mausoleum, as the case may be, the sum prescribed by the regulations and in the manner so prescribed. Deposit
to assure
maintenance

(2) The sum set aside as a deposit under subsection 1 may be returned to the owner upon such terms and conditions as the regulations prescribe. Transfer
to owner

2. Subsection 1 of section 15 of *The Cemeteries Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 47, s. 15,
subs. 1,
amended

(ha) prescribing the sum that shall be set aside as a deposit to assure the maintenance of a cemetery, columbarium or mausoleum to be operated for gain or profit, the manner in which such sum shall be set aside and the terms and conditions upon which such sum may be returned;

(hb) prescribing the portion of the consideration of each sale that must be paid into the pre-need assurance fund, the portion that may be withdrawn therefrom and the terms and conditions upon which such withdrawal may be made.

3. Section 37a of *The Cemeteries Act*, as enacted by section 3 of *The Cemeteries Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 47, s. 37a
(1961-62,
c. 12, s. 3),
re-enacted

Pre-need
assurance
funds

37a.—(1) Every owner who sells cemetery supplies or cemetery services to be furnished or supplied upon the death of a person who is alive at the time the sale is made shall establish and maintain a pre-need assurance fund.

Operation
of fund

(2) Every owner referred to in subsection 1 shall pay into his pre-need assurance fund such portion of the consideration of each sale as the regulations prescribe, and he may withdraw from the fund such portion as the regulations prescribe upon such terms and conditions as the regulations prescribe.

Application
of ss. 27-37

(3) Sections 27 to 37, except subsection 6 of section 27, subsection 2 of section 29 and subsection 2 of section 33, apply *mutatis mutandis* to pre-need assurance funds.

Minister
deemed to
have interest

(4) The Minister or a person designated by him shall be deemed to be a person having an interest in pre-need assurance funds.

Passing of
accounts

(5) Every owner shall forthwith submit to be examined, audited and passed by the judge of the surrogate court for the county or district in which his cemetery, columbarium or mausoleum is located the accounts of his dealings with the pre-need assurance moneys that have come into his hands since the 1st day of November, 1957, but this subsection does not apply to any owner whose accounts with respect to such funds have been passed since the 1st day of January, 1962.

Idem

(6) Notice of the passing of accounts shall be served upon the Minister.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Cemeteries Amendment Act, 1962-63*.



An Act to amend The Cemeteries Act

1st Reading

March 12th, 1963

*2nd Reading**3rd Reading*

MR. DYMOND

BILL 89

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Cemeteries Act

MR. DYMOND



BILL 89

1962-63

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Cemeteries Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 47, s. 8, re-enacted

8.—(1) No application for the establishment or enlargement of a cemetery, columbarium or mausoleum to be operated for gain or profit shall be approved unless the owner has set aside as a deposit to assure the maintenance of the cemetery, columbarium or mausoleum, as the case may be, the sum prescribed by the regulations and in the manner so prescribed. Deposit to assure maintenance

(2) The sum set aside as a deposit under subsection 1 may be returned to the owner upon such terms and conditions as the regulations prescribe. Transfer to owner

2. Subsection 1 of section 15 of *The Cemeteries Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 47, s. 15, subs. 1, amended

(ha) prescribing the sum that shall be set aside as a deposit to assure the maintenance of a cemetery, columbarium or mausoleum to be operated for gain or profit, the manner in which such sum shall be set aside and the terms and conditions upon which such sum may be returned;

(hb) prescribing the portion of the consideration of each sale that must be paid into the pre-need assurance fund, the portion that may be withdrawn therefrom and the terms and conditions upon which such withdrawal may be made.

3. Section 37a of *The Cemeteries Act*, as enacted by section 3 of *The Cemeteries Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 47, s. 37a (1961-62, c. 12, s. 3), re-enacted

Pre-need
assurance
funds

37a.—(1) Every owner who sells cemetery supplies or cemetery services to be furnished or supplied upon the death of a person who is alive at the time the sale is made shall establish and maintain a pre-need assurance fund.

Operation
of fund

(2) Every owner referred to in subsection 1 shall pay into his pre-need assurance fund such portion of the consideration of each sale as the regulations prescribe, and he may withdraw from the fund such portion as the regulations prescribe upon such terms and conditions as the regulations prescribe.

Application
of ss. 27-37

(3) Sections 27 to 37, except subsection 6 of section 27, subsection 2 of section 29 and subsection 2 of section 33, apply *mutatis mutandis* to pre-need assurance funds.

Minister
deemed to
have interest

(4) The Minister or a person designated by him shall be deemed to be a person having an interest in pre-need assurance funds.

Passing of
accounts

(5) Every owner shall forthwith submit to be examined, audited and passed by the judge of the surrogate court for the county or district in which his cemetery, columbarium or mausoleum is located the accounts of his dealings with the pre-need assurance moneys that have come into his hands since the 1st day of November, 1957, but this subsection does not apply to any owner whose accounts with respect to such funds have been passed since the 1st day of January, 1962.

Idem

(6) Notice of the passing of accounts shall be served upon the Minister.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Cemeteries Amendment Act, 1962-63*.



An Act to amend The Cemeteries Act

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 90

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Wills Act

MR. CASS

EXPLANATORY NOTE

Under the present law it is possible for the widow of a testator's deceased son to take the first \$20,000 of a substitutional gift and also the first \$20,000 of her deceased husband's estate.

The purpose of this amendment is to have the substitutional gift distributed without regard to the \$20,000 preferential share, thus ensuring that a portion of the gift will go to the testator's grandchildren.

BILL 90

1962-63

An Act to amend The Wills Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Wills Act* is amended by striking out "if he had died intestate and without debts immediately after the death of the testator" in the seventh, eighth and ninth lines and inserting in lieu thereof the following clauses: R.S.O. 1960,
c. 433, s. 36,
amended

“(a) if that person had died immediately after the death of the testator;

(b) if that person had died intestate;

(c) if that person had died without debts; and

(d) if sections 11 and 12 of *The Devolution of Estates Act* had not been passed”,

so that the section shall read as follows:

36. Unless a contrary intention appears by the will, where a devise or bequest is made to a child, grand-child, brother or sister of the testator who dies before the testator and leaves issue surviving the testator, the devise or bequest does not lapse but takes effect as if it had been made directly to the persons among whom and in the shares in which the estate of that person would have been divisible, Substitu-
tional gifts

(a) if that person had died immediately after the death of the testator;

(b) if that person had died intestate;

(c) if that person had died without debts; and

R.S.O. 1960,
c. 106

(d) if sections 11 and 12 of *The Devolution of Estates Act* had not been passed.

Short title

2. This Act may be cited as *The Wills Amendment Act, 1962-63*.



An Act to amend The Wills Act

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 90

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Wills Act

MR. CASS

BILL 90

1962-63

An Act to amend The Wills Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Wills Act* is amended by striking out "if he had died intestate and without debts immediately after the death of the testator" in the seventh, eighth and ninth lines and inserting in lieu thereof the following clauses:

R.S.O. 1960,
c. 433, s. 36,
amended

- "(a) if that person had died immediately after the death of the testator;
- (b) if that person had died intestate;
- (c) if that person had died without debts; and
- (d) if sections 11 and 12 of *The Devolution of Estates Act* had not been passed",

so that the section shall read as follows:

36. Unless a contrary intention appears by the will, ^{Substituti-} where a devise or bequest is made to a child, grand-^{tional gift} child, brother or sister of the testator who dies before the testator and leaves issue surviving the testator, the devise or bequest does not lapse but takes effect as if it had been made directly to the persons among whom and in the shares in which the estate of that person would have been divisible,

- (a) if that person had died immediately after the death of the testator;
- (b) if that person had died intestate;

(c) if that person had died without debts; and

R.S.O. 1960,
c. 106

(d) if sections 11 and 12 of *The Devolution of Estates Act* had not been passed.

Short title

2. This Act may be cited as *The Wills Amendment Act, 1962-63*.



An Act to amend The Wills Act

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 91

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Emergency Measures

MR. CASS

EXPLANATORY NOTE

The Bill provides for planning to ensure the continued functioning of government in an emergency.

BILL 91

1962-63

An Act respecting Emergency Measures

WHEREAS it is desirable to co-operate with the Govern- Preamble
ment of Canada in carrying out, in respect of Ontario,
its responsibility for the security, defence, peace, order and
welfare of Canada in the event of a real or apprehended war,
invasion or insurrection;

AND WHEREAS it is advisable to make provision for the
continued functioning of civil government in Ontario during
an emergency caused by a real or apprehended war, invasion
or insurrection or by natural causes;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

(a) "Commissioner" means the Commissioner of the
Emergency Measures Organization of Ontario;

(b) "emergency" means,

(i) a real or apprehended war, invasion or insur-
rection proclaimed to exist under the *War* R.S.C. 1952,
c. 288
Measures Act (Canada), or

(ii) a natural emergency declared to exist under
section 3.

2.—(1) The Emergency Measures Organization of Ontario Emergency
Measures
Organization
continued
is continued and shall be under the administration of the
Attorney General.

(2) The Lieutenant Governor in Council may appoint the Appointment
of Com-
missioner
and staff
Commissioner of the Emergency Measures Organization of
Ontario and such other officers and employees as are deemed
necessary.

Declaration
of natural
emergency

3. The Attorney General may declare a natural emergency to exist during the time, not exceeding ninety days, and in the part of Ontario that he designates.

Plans of
provincial
govern-
mental
bodies

4.—(1) It shall be the responsibility of,

(a) each Minister of the Crown presiding over a department of government; and

(b) each board, commission or other branch of government designated by the Lieutenant Governor in Council,

to formulate a plan to provide for the continued function of the necessary services of the department or branch of government in the event of an emergency.

Municipal
plans

(2) Each county together with the local municipalities within the county that do not form part of the county for municipal purposes shall formulate a plan to provide for the continued function of municipal government and the necessary services of the municipalities in the event of an emergency.

Exception

(3) Notwithstanding subsection 2, the County of York and The Municipality of Metropolitan Toronto shall formulate separate plans.

Plans of
municipalities

(4) Every municipality in a territorial district shall formulate a plan to provide for the continued function of municipal government and the necessary services of the municipality or municipalities in the event of an emergency.

Duties of
Commissioner

5.—(1) Every plan shall be prepared under the supervision and guidance of the Commissioner.

Approval by
Attorney
General

(2) Every plan and every amendment to a plan is subject to the approval of the Attorney General, and, before approving a plan or amendment, the Attorney General may make such alterations as he considers necessary for the purpose of uniformity or of co-ordinating the plan with other authorities or plans.

Regulations

6. The Attorney General may make such regulations as he deems necessary for the purposes of this Act.

Agreements
for
contribution
toward cost

7.—(1) The Attorney General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by

Canada to Ontario of any part of the cost to Ontario and to municipalities in Ontario of planning or preparing for an emergency or of executing emergency plans.

(2) The Attorney General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of any other province for the provision of any service, equipment or material in an emergency. ^{Agreements for services, equipment and material}

8. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

9. This Act may be cited as *The Emergency Measures Act*, Short title 1962-63.

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An Act respecting Emergency Measures

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

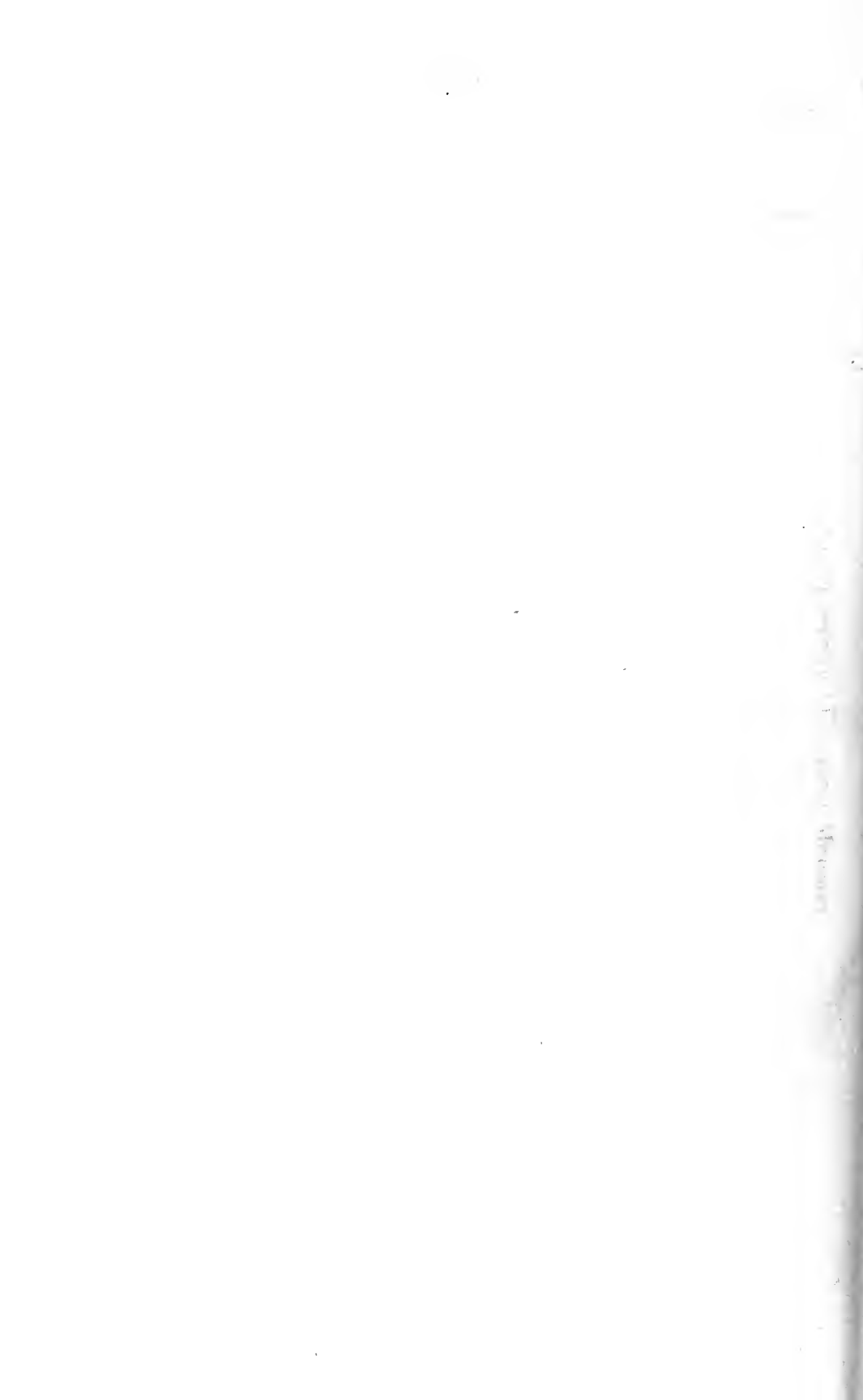
MR. CASS

BILL 91

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Emergency Measures

MR. CASS



BILL 91

1962-63

An Act respecting Emergency Measures

WHEREAS it is desirable to co-operate with the Govern-^{Preamble}
ment of Canada in carrying out, in respect of Ontario,
its responsibility for the security, defence, peace, order and
welfare of Canada in the event of a real or apprehended war,
invasion or insurrection;

AND WHEREAS it is advisable to make provision for the
continued functioning of civil government in Ontario during
an emergency caused by a real or apprehended war, invasion
or insurrection or by natural causes;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

(a) "Commissioner" means the Commissioner of the
Emergency Measures Organization of Ontario;

(b) "emergency" means,

(i) a real or apprehended war, invasion or insur-
rection proclaimed to exist under the *War* <sup>R.S.C. 1952,
c. 288</sup>
Measures Act (Canada), or

(ii) a natural emergency declared to exist under
section 3.

2.—(1) The Emergency Measures Organization of Ontario <sup>Emergency
Measures
Organization
continued</sup>
is continued and shall be under the administration of the
Attorney General.

(2) The Lieutenant Governor in Council may appoint the <sup>Appointment
of Com-
missioner
and staff</sup>
Commissioner of the Emergency Measures Organization of
Ontario and such other officers and employees as are deemed
necessary.

Declaration
of natural
emergency

3. The Attorney General may declare a natural emergency to exist during the time, not exceeding ninety days, and in the part of Ontario that he designates.

Plans of
provincial
govern-
mental
bodies

4.—(1) It shall be the responsibility of,

(a) each Minister of the Crown presiding over a department of government; and

(b) each board, commission or other branch of government designated by the Lieutenant Governor in Council,

to formulate a plan to provide for the continued function of the necessary services of the department or branch of government in the event of an emergency.

Municipal
plans

(2) Each county together with the local municipalities within the county that do not form part of the county for municipal purposes shall formulate a plan to provide for the continued function of municipal government and the necessary services of the municipalities in the event of an emergency.

Exception

(3) Notwithstanding subsection 2, the County of York and The Municipality of Metropolitan Toronto shall formulate separate plans.

Plans of
municipalities

(4) Every municipality in a territorial district shall formulate a plan to provide for the continued function of municipal government and the necessary services of the municipality or municipalities in the event of an emergency.

Duties of
Commissioner

5.—(1) Every plan shall be prepared under the supervision and guidance of the Commissioner.

Approval by
Attorney
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(2) Every plan and every amendment to a plan is subject to the approval of the Attorney General, and, before approving a plan or amendment, the Attorney General may make such alterations as he considers necessary for the purpose of uniformity or of co-ordinating the plan with other authorities or plans.

Regulations

6. The Attorney General may make such regulations as he deems necessary for the purposes of this Act.

Agreements
for
contribution
toward cost

7.—(1) The Attorney General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by

Canada to Ontario of any part of the cost to Ontario and to municipalities in Ontario of planning or preparing for an emergency or of executing emergency plans.

(2) The Attorney General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of any other province for the provision of any service, equipment or material in an emergency. ^{Agreements for services, equipment and material}

8. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

9. This Act may be cited as *The Emergency Measures Act*, Short title 1962-63.



An Act respecting Emergency Measures

1st Reading

March 12th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 92

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

The Artificial Insemination of Cattle Act, 1962-63

MR. STEWART

EXPLANATORY NOTE

This Bill provides a licensing system for the artificial insemination of cattle, and eliminates the control of the use of artificial insemination in the breeding of live stock other than cattle.

BILL 92

1962-63

The Artificial Insemination of Cattle Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "artificial insemination" means the depositing of semen in the genital tract of a domestic female animal of the bovine species by a means other than the natural method;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "Committee" means The Artificial Insemination of Cattle Advisory Committee;
- (d) "inseminating business" means a business in which one or more inseminators are engaged in artificial insemination;
- (e) "inseminator" means a person who engages in the process of artificial insemination or the collection of semen for purposes of artificial insemination;
- (f) "Minister" means the Minister of Agriculture;
- (g) "semen-producing business" means a business that maintains a bull stud of at least five bulls for the production and sale of semen for the purpose of artificial insemination;
- (h) "veterinarian" means a person registered as a member of the Ontario Veterinary Association under *The Veterinarians Act*.

R.S.O. 1960,
c. 416

2. The Commissioner is responsible to the Minister for the administration and enforcement of this Act.

Commis-
sioner
to be in
charge

Appointment of Committee

3.—(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than three persons to be known as The Artificial Insemination of Cattle Advisory Committee.

Function of Committee

(2) The Committee shall act in an advisory capacity to the Minister and the Commissioner.

Chairman and vice-chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one member as vice-chairman.

Allowances to members

(4) The members of the Committee shall receive such allowances and expenses as the Lieutenant Governor in Council determines.

Inspectors

4. The Lieutenant Governor in Council may appoint inspectors to carry out and enforce this Act and the regulations.

Certificate of appointment

5.—(1) The production by the Commissioner or by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Obstruction of Commissioner or inspector

(2) No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information.

Licensing

6. No person shall commence or continue to engage in an inseminating business or a semen-producing business without a licence therefor from the Commissioner.

Idem

7. No person shall commence or continue to act as an inseminator without a licence therefor from the Commissioner.

Refusal to issue licence

8.—(1) The Commissioner, for any reason that he deems proper after a hearing, may refuse to issue a licence to any person to engage in an inseminating business or a semen-producing business or to act as an inseminator.

Appeal

(2) Any person to whom the Commissioner has refused to issue a licence under subsection 1 may appeal the decision of the Commissioner to the Minister, who may confirm the decision or require the Commissioner to issue the licence.

Cancellation, etc., of licence

(3) The Commissioner, after a hearing, may suspend, cancel or refuse to renew a licence of any person who contravenes any of the provisions of this Act or the regulations.

(4) Any person whose licence was not renewed or was ^{Appeal} suspended or cancelled may appeal the decision of the Commissioner to the Minister, who may confirm the decision of the Commissioner or require the Commissioner to reinstate the licence.

9.—(1) Subject to subsection 2, no person shall engage in ^{Semen to be obtained from licensed semen-producing business} an inseminating business or act as an inseminator with semen obtained from any source other than a licensed semen-producing business.

(2) Subsection 1 does not apply to,

^{Exceptions}

- (a) a veterinarian in the normal course of his duties; or
- (b) a person who applies for and obtains the written approval of the Commissioner for the use of semen from a source other than a licensed semen-producing business.

10. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing the duties of the Committee;
- (b) providing for the issue, renewal, cancellation, suspension or revocation of or refusal to issue or renew licences, and prescribing the fees payable for licences or the renewal thereof;
- (c) prescribing forms and providing for their use;
- (d) prescribing requirements and minimum standards for any semen-producing business or any inseminating business;
- (e) prescribing the terms and conditions under which semen may be obtained from any semen-producing business;
- (f) prescribing the places at which and the conditions under which semen may be frozen and stored;
- (g) prescribing the qualifications and duties of inseminators;
- (h) prescribing the powers and duties of the Commissioner and inspectors;

- (i) providing for grants to semen-producing businesses and inseminating businesses and prescribing the terms and conditions upon which such grants may be paid;
- (j) requiring the keeping of prescribed books and records and the furnishing of prescribed information by the operators of semen-producing businesses and inseminating businesses and by inseminators;
- (k) providing for the blood-typing of bulls maintained by a semen-producing business and of bulls from which semen is obtained by a semen-producing business or an inseminating business;
- (l) prescribing health standards of bulls maintained by a semen-producing business and of bulls from which semen is obtained by an inseminating business or a semen-producing business;
- (m) exempting any person or class of persons from any or all of the provisions of this Act or the regulations made thereunder;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offences

11. Every person who contravenes any of the provisions of this Act or the regulations made thereunder is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 for a first offence, and to a fine of not less than \$200 and not more than \$500 for a subsequent offence.

R.S.O. 1960,
c. 22,
repealed

12. *The Artificial Insemination Act* is repealed.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Artificial Insemination of Cattle Act, 1962-63*.

The Artificial Insemination of Cattle Act,
1962-63

1st Reading

March 12th, 1963

2nd Reading

3rd Reading

MR. STEWART

BILL 92

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

The Artificial Insemination of Cattle Act, 1962-63

MR. STEWART

(Reprinted as amended by the Committee on Agriculture)

EXPLANATORY NOTE

This Bill provides a licensing system for the artificial insemination of cattle, and eliminates the control of the use of artificial insemination in the breeding of live stock other than cattle.

BILL 92

1962-63

The Artificial Insemination of Cattle Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "artificial insemination" means the depositing of semen in the genital tract of a domestic female animal of the bovine species by a means other than the natural method;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "Committee" means The Artificial Insemination of Cattle Advisory Committee;
- (d) "inseminating business" means a business in which one or more inseminators are engaged in artificial insemination;
- (e) "inseminator" means a person who engages in the process of artificial insemination or the collection of semen for purposes of artificial insemination;
- (f) "Minister" means the Minister of Agriculture;
- (g) "regulations" means the regulations made under this Act;
- (h) "semen-producing business" means a business that maintains a bull stud of at least five bulls for the production and sale of semen for the purpose of artificial insemination;
- (i) "veterinarian" means a person registered as a member of the Ontario Veterinary Association under *The Veterinarians Act*. R.S.O. 1960, c. 22, s. 1, ^{c. 416} amended.

Commissioner
to be in
charge

2. The Commissioner is responsible to the Minister for the administration and enforcement of this Act. R.S.O. 1960, c. 22, s. 2.

Appointment
of
Committee

3.—(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than three persons to be known as The Artificial Insemination of Cattle Advisory Committee.

Function of
Committee

(2) The Committee shall act in an advisory capacity to the Minister and the Commissioner.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one member as vice-chairman.

Allowances
to members

(4) The members of the Committee shall receive such allowances and expenses as the Lieutenant Governor in Council determines. *New.*

Inspectors

4. The Lieutenant Governor in Council may appoint inspectors to carry out and enforce this Act and the regulations. *New.*

Certificate
of appointment

5.—(1) The production by the Commissioner or by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Obstruction
of Commissioner
or inspector

(2) No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information. *New.*

Licensing

6. No person shall commence or continue to engage in an inseminating business or a semen-producing business without a licence therefor from the Commissioner. *New.*

Idem

7. No person shall commence or continue to act as an inseminator without a licence therefor from the Commissioner. *New.*

Refusal to
issue licence

8.—(1) The Commissioner, for any reason that he deems proper after a hearing, may refuse to issue a licence to any person to engage in an inseminating business or a semen-producing business or to act as an inseminator.

(2) Any person to whom the Commissioner has refused to issue a licence under subsection 1 may ^{Appeal} appeal the decision of the Commissioner to the Minister, who may confirm the decision or require the Commissioner to issue the licence.

(3) The Commissioner, after a hearing, may suspend, cancel ^{Cancellation, etc.,} or refuse to renew a licence of any person who contravenes any ^{of licence} of the provisions of this Act or the regulations.

(4) Any person whose licence was not renewed or was ^{Appeal} suspended or cancelled may appeal the decision of the Commissioner to the Minister, who may confirm the decision of the Commissioner or require the Commissioner to reinstate the licence. *New.*

9.—(1) Subject to subsection 2, no person shall engage in ^{Semen to be obtained from licensed semen-producing business} an inseminating business or act as an inseminator with semen obtained from any source other than a licensed semen-producing business.

(2) Subsection 1 does not apply to, ^{Exceptions}

(a) a veterinarian in the normal course of his duties; or

(b) a person who applies for and obtains the written approval of the Commissioner for the use of semen from a source other than a licensed semen-producing business. *New.*

10. The Lieutenant Governor in Council may make ^{Regulations} regulations,

(a) prescribing the duties of the Committee;

(b) providing for the issue, renewal, cancellation, suspension or revocation of or refusal to issue or renew licences, and prescribing the fees payable for licences or the renewal thereof;

(c) prescribing forms and providing for their use;

(d) prescribing requirements and minimum standards for any semen-producing business or any inseminating business;

(e) prescribing the terms and conditions under which semen may be obtained from any semen-producing business;

(f) prescribing the places at which and the conditions under which semen may be frozen and stored;

- (g) prescribing the qualifications and duties of inseminators;
- (h) prescribing the powers and duties of the Commissioner and inspectors;
- (i) providing for grants to semen-producing businesses and inseminating businesses and prescribing the terms and conditions upon which such grants may be paid;
- (j) requiring the keeping of prescribed books and records and the furnishing of prescribed information by the operators of semen-producing businesses and inseminating businesses and by inseminators;
- (k) providing for the blood-typing of bulls maintained by a semen-producing business and of bulls from which semen is obtained by a semen-producing business or an inseminating business;
- (l) prescribing health standards of bulls maintained by a semen-producing business and of bulls from which semen is obtained by an inseminating business or a semen-producing business;
- (m) exempting any person or class of persons from any or all of the provisions of this Act or the regulations;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
R.S.O. 1960, c. 22, s. 4, *amended*.

Offences

11. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 for a first offence, and to a fine of not less than \$200 and not more than \$500 for a subsequent offence. R.S.O. 1960, c. 22, s. 5, *amended*.

R.S.O. 1960,
c. 22,
repealed

12. *The Artificial Insemination Act* is repealed.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Artificial Insemination of Cattle Act, 1962-63*.

By order of the Board of Directors

The Artificial Insemination of Cattle Act,
1962-63

1st Reading

March 12th, 1963

2nd Reading

March 19th, 1963

3rd Reading

Mr. STEWART

(Reprinted as amended by the
Committee on Agriculture)

BILL 92

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

The Artificial Insemination of Cattle Act, 1962-63

MR. STEWART



BILL 92

1962-63

The Artificial Insemination of Cattle Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
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- (a) "artificial insemination" means the depositing of semen in the genital tract of a domestic female animal of the bovine species by a means other than the natural method;
- (b) "Commissioner" means the Live Stock Commissioner;
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- (f) "Minister" means the Minister of Agriculture;
- (g) "regulations" means the regulations made under this Act;
- (h) "semen-producing business" means a business that maintains a bull stud of at least five bulls for the production and sale of semen for the purpose of artificial insemination;
- (i) "veterinarian" means a person registered as a member of the Ontario Veterinary Association under *The Veterinarians Act*. R.S.O. 1960, c. 22, s. 1, ^{R.S.O. 1960, c. 416} amended.

Commissioner
to be in
charge

2. The Commissioner is responsible to the Minister for the administration and enforcement of this Act. R.S.O. 1960, c. 22, s. 2.

Appointment
of
Committee

3.—(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than three persons to be known as The Artificial Insemination of Cattle Advisory Committee.

Function of
Committee

(2) The Committee shall act in an advisory capacity to the Minister and the Commissioner.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one member as vice-chairman.

Allowances
to members

(4) The members of the Committee shall receive such allowances and expenses as the Lieutenant Governor in Council determines. *New.*

Inspectors

4. The Lieutenant Governor in Council may appoint inspectors to carry out and enforce this Act and the regulations. *New.*

Certificate
of appointment

5.—(1) The production by the Commissioner or by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Obstruction
of Commissioner
or inspector

(2) No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information. *New.*

Licensing

6. No person shall commence or continue to engage in an inseminating business or a semen-producing business without a licence therefor from the Commissioner. *New.*

Idem

7. No person shall commence or continue to act as an inseminator without a licence therefor from the Commissioner. *New.*

Refusal to
issue licence

8.—(1) The Commissioner, for any reason that he deems proper after a hearing, may refuse to issue a licence to any person to engage in an inseminating business or a semen-producing business or to act as an inseminator.

(2) Any person to whom the Commissioner has refused to issue a licence under subsection 1 may ^{Appeal} appeal the decision of the Commissioner to the Minister, who may confirm the decision or require the Commissioner to issue the licence.

(3) The Commissioner, after a hearing, may suspend, cancel ^{Cancellation, etc.,} or refuse to renew a licence of any person who contravenes any ^{of licence} of the provisions of this Act or the regulations.

(4) Any person whose licence was not renewed or was ^{Appeal} suspended or cancelled may appeal the decision of the Commissioner to the Minister, who may confirm the decision of the Commissioner or require the Commissioner to reinstate the licence. *New.*

9.—(1) Subject to subsection 2, no person shall engage in an inseminating business or act as an inseminator with ^{Semen to be obtained from licensed semen-producing business} semen obtained from any source other than a licensed semen-producing business.

(2) Subsection 1 does not apply to, ^{Exceptions}

(a) a veterinarian in the normal course of his duties; or

(b) a person who applies for and obtains the written approval of the Commissioner for the use of semen from a source other than a licensed semen-producing business. *New.*

10. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing the duties of the Committee;
- (b) providing for the issue, renewal, cancellation, suspension or revocation of or refusal to issue or renew licences, and prescribing the fees payable for licences or the renewal thereof;
- (c) prescribing forms and providing for their use;
- (d) prescribing requirements and minimum standards for any semen-producing business or any inseminating business;
- (e) prescribing the terms and conditions under which semen may be obtained from any semen-producing business;
- (f) prescribing the places at which and the conditions under which semen may be frozen and stored;

- (g) prescribing the qualifications and duties of inseminators;
- (h) prescribing the powers and duties of the Commissioner and inspectors;
- (i) providing for grants to semen-producing businesses and inseminating businesses and prescribing the terms and conditions upon which such grants may be paid;
- (j) requiring the keeping of prescribed books and records and the furnishing of prescribed information by the operators of semen-producing businesses and inseminating businesses and by inseminators;
- (k) providing for the blood-typing of bulls maintained by a semen-producing business and of bulls from which semen is obtained by a semen-producing business or an inseminating business;
- (l) prescribing health standards of bulls maintained by a semen-producing business and of bulls from which semen is obtained by an inseminating business or a semen-producing business;
- (m) exempting any person or class of persons from any or all of the provisions of this Act or the regulations;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 22, s. 4, *amended*.

Offences

11. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 for a first offence, and to a fine of not less than \$200 and not more than \$500 for a subsequent offence. R.S.O. 1960, c. 22, s. 5, *amended*.

R.S.O. 1960,
c. 22,
repealed

12. *The Artificial Insemination Act* is repealed.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Artificial Insemination of Cattle Act, 1962-63*.

The Artificial Insemination of Cattle Act,
1962-63

1st Reading

March 12th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. STEWART

BILL 93

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. DAVISON

EXPLANATORY NOTE

The purpose of the amendments is to prevent discrimination in employment because of age, except within the limits set out in the provision added by subsection 2 of section 1 of the Bill.

BILL 93

1962-63

**An Act to amend
The Ontario Human Rights Code, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by inserting after “his” in the fifth line “age”, so that the subsection shall read as follows: 1961-62,
c. 93, s. 4,
subs. 1,
amended

- (1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his age, race, creed, colour, nationality, ancestry or place of origin. Employers
not to
discriminate
in
employment
practices

(2) The said section 4 is amended by adding thereto the following subsection: 1961-62,
c. 93, s. 4,
amended

- (1a) Nothing in subsection 1 prevents an employer from refusing to employ or to continue to employ a person who is physically incapable of performing the work required or from retiring an employee under a *bona fide* retirement scheme or policy or from varying insurance or pension coverage according to an employee's age. Exceptions

(3) Subsection 2 of the said section 4 is amended by inserting after “of” in the third line “age”, so that the subsection shall read as follows: 1961-62,
c. 93, s. 4,
subs. 2,
amended

- (2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of age, race, creed, colour, nationality, ancestry or place of origin. Membership
in trade
union

1961-62,
c. 93, s. 4,
subs. 3,
amended

(4) Subsection 3 of the said section 4 is amended by inserting after "the" in the fifth line "age" and by inserting after "concerning" in the eighth line "age", so that the subsection shall read as follows:

Employment
applications
and adver-
tisements
not to
discriminate

- (3) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the age, race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant to furnish any information concerning age, race, creed, colour, nationality, ancestry or place of origin.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1962-63*.

An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

March 13th, 1963

2nd Reading

3rd Reading

MR. DAVISON

BILL 94

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

EXPLANATORY NOTES

SECTIONS 1 and 2. The effect of the amendments is to continue existing continuation schools and provide for the alteration of certain continuation school districts.

BILL 94

1962-63

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 3 of section 2 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 2, subss. 1, 3, re-enacted

- (1) A continuation school that was established under subsection 1 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. Continuation school established by one board continued

.

- (3) A continuation school that was established by an agreement entered into under subsection 3 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. Continuation school established by two or more boards continued

2. Section 5 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following sub-section: R.S.O. 1960, c. 362, s. 5, sub-amended

- (7) Where a continuation school board has jurisdiction in a portion but not all of a township school area and in a portion but not all of an area under the jurisdiction of a combined separate school board, and the agreement that was entered into by the former elementary school boards is not renewed in any year by the trustees elected or appointed by either the public school ratepayers or the separate Reduction in district

school supporters or either group of trustees gives notice in writing to the secretary of the continuation school board before the 1st day of July in any year that it wishes to cancel the agreement, the portion of the continuation school district that it represents shall be detached as of the 31st day of December of that year, and the assets and liabilities shall be disposed of under subsection 2 of section 6, and the remaining portion of the district shall continue until altered or dissolved under this Part.

R.S.O. 1960,
c. 362, s. 11,
subs. 3,
re-enacted

3. Subsection 3 of section 11 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Increasing
district

- (3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town, or adjoining the high school district of which the city or separated town forms a part, be added to the high school district of the city or separated town or to the high school district of which it forms a part, as the case may be.

R.S.O. 1960,
c. 362, s. 16,
subs. 2,
re-enacted

4. Subsection 2 of section 16 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Idem

- (2) No by-law passed under subsection 3 of section 11 adding the whole or part of one or more municipalities adjoining a city or separated town, or adjoining the high school district of which the city or separated town forms a part, to the high school district of the city or separated town, or to the high school district of which the city or separated town forms a part, is effectual unless the council of the county or the councils of the counties, in which the municipality or municipalities comprising the high school district and the municipality or municipalities to be added to the high school district are situated, pass a by-law or by-laws under subsection 1 of section 12 or subsection 1 of section 13.

R.S.O. 1960,
c. 362, s. 21,
re-enacted

5. Section 21 of *The Secondary Schools and Boards of Education Act*, as amended by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Trustee,
qualification

- 21.—(1) Subject to subsection 2, a person is qualified to be appointed as a trustee of a high school board,

SECTION 3. The amendment provides that a high school district that includes a city or separated town may be enlarged by adding part or all of municipalities that are adjoining the high school district of which the city or separated town forms a part.

SECTION 4. The subsection is revised to complement the amendment to subsection 3 of section 11 of the Act. See section 3 of this Bill.

SECTION 5. The qualifications of a high school trustee are revised and brought in line with the qualifications of a public school trustee as revised at the 1961-62 session.



- (a) who is a Canadian citizen;
 - (b) who is of the full age of twenty-one years;
 - (c) who is a resident in the high school district or within five miles of the boundaries thereof; and
 - (d) who is a ratepayer of the high school district.
- (2) A person is not qualified to be appointed as a trustee ^{dis-qualification} of a high school board,
- (a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality or county all or part of which is included in the high school district, unless before his appointment he has filed his resignation with the secretary of the other board or with the clerk of the municipality or county, as the case may be;
 - (b) who is the clerk or treasurer of a municipality or county all or part of which is included in the high school district;
 - (c) who is otherwise disqualified under this or any other Act; or
 - (d) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of appointment, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of appointment.
- (3) A person is qualified to act as a trustee ^{Qualification to act as trustee} during the term for which he was appointed so long as he continues to have the qualifications mentioned in subsection 1 or 5, as the case may be, and does not become disqualified under clauses *a* to *d* of subsection 2.
- (4) The following persons shall be deemed ratepayers ^{Persons deemed ratepayers} under clause *d* of subsection 1:
- (a) a person whose name is entered on the last revised assessment roll;

- (b) the husband or wife of a person assessed as actual owner or tenant of land in the high school district for an amount sufficient to entitle him or her to vote at municipal elections;
- (c) the son or daughter of a person assessed as the owner of a farm in the high school district if he or she is resident on the farm with the assessed owner; and
- (d) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the high school district if he or she resides on the farm with the assessed owner.

County
appointees

- (5) Notwithstanding clauses *c* and *d* of subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under this section is qualified to be appointed as a trustee by the county council.

Interpre-
tation

- (6) For the purposes of this section, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof.

R.S.O. 1960,
c. 362, s. 26,
amended

6. Section 26 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Where tax
arrears
procedures
of R.S.O.
1960, c. 98,
in effect

- (11) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a high school district, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the high school district, and all the powers and duties of the sheriff in respect of arrears of taxes are vested in the treasurer of the board.

R.S.O. 1960,
c. 362, s. 33,
re-enacted

7. Section 33 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Payment
to school
boards

- 33.—(1) Where a municipality or county has raised money for the purposes of a high school board by

SECTION 6. The amendment is to clarify procedures where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a high school district.

SECTION 7. Section 33 is re-enacted to provide that the expenses of a municipality in issuing debentures on behalf of a board shall be charged to the board.

SECTION 8. There are no union boards of education in operation. The provision respecting union boards is therefore repealed.

SECTION 9. There are no union boards of education in operation. The provision respecting union boards is therefore repealed.

SECTION 10. The new subsections authorize secondary school boards to enter into agreements with the federal government to provide for the education of Indian children in secondary schools.

the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

- (2) Where debentures are issued by a municipality or county on behalf of a board, the expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board.

8. Clause *b* of section 49 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960,
c. 362, s. 49,
cl. b,
repealed

9. Section 62 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960,
c. 362, s. 62,
repealed

10. Section 66 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 362, s. 66,
amended

- (3) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition for the maximum number of Indian pupils agreed upon at the gross cost per pupil, calculated in the manner provided in subsection 4 or 5 of section 69, as the case requires, except that, Agreements
re accom-
modation
for Indian
pupils

(a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and

(b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

- (4) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to Idem

provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be calculated as in subsection 3, except that capital expenditures shall not be included as an expenditure under clause *a* of subsection 4 of section 69.

R.S.O. 1960,
c. 362, s. 68,
subs. 3,
cls. *b*, *c*,
re-enacted

11. Clauses *b* and *c* of subsection 3 of section 68 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

- (*b*) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*c*) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme if the programme is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*ca*) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*cb*) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field if the course is not available in the county of which he is a county pupil or in the secondary school district in which he is resident.

R.S.O. 1960,
c. 362, s. 69,
amended

12. Section 69 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection:

SECTION 11. The purpose of this amendment is to bring the provisions with respect to county and resident pupils into line with the re-organized programmes of study for secondary schools.

SECTION 12. The new subsection 9 provides that the portion of the cost of schools built under a technical and vocational training agreement that is assumed by Canada and Ontario shall not be included in the calculation of fees for county pupils.



- (9) The portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed by Canada and the Province shall not be included as an expenditure or as a revenue under clauses *a* and *b* of subsection 4. ^{Cost of schools under federal-provincial agreements}

13.—(1) This Act, except sections 2, 5, 11 and 12, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1962. ^{Idem}

(3) Sections 11 and 12 shall be deemed to have come into force on the 1st day of January, 1963. ^{Idem}

(4) Section 5 comes into force on the 1st day of January, 1964. ^{Idem}

14. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1962-63*. ^{Short title}

An Act to amend The Secondary Schools
and Boards of Education Act

1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. DAVIS

BILL 94

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

The Secretary

BILL 94

1962-63

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 3 of section 2 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 2,
subss. 1, 3,
re-enacted

- (1) A continuation school that was established under subsection 1 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. Continuation
school
established
by one
board
continued

.

- (3) A continuation school that was established by an agreement entered into under subsection 3 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. Continuation
school
established
by two or
more boards
continued

2. Section 5 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 362, s. 5,
sub-amended

- (7) Where a continuation school board has jurisdiction in a portion but not all of a township school area and in a portion but not all of an area under the jurisdiction of a combined separate school board, and the agreement that was entered into by the former elementary school boards is not renewed in any year by the trustees elected or appointed by either the public school ratepayers or the separate Reduction
in district

school supporters or either group of trustees gives notice in writing to the secretary of the continuation school board before the 1st day of July in any year that it wishes to cancel the agreement, the portion of the continuation school district that it represents shall be detached as of the 31st day of December of that year, and the assets and liabilities shall be disposed of under subsection 2 of section 6, and the remaining portion of the district shall continue until altered or dissolved under this Part.

R.S.O. 1960,
c. 362, s. 11,
subs. 3,
re-enacted

3. Subsection 3 of section 11 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Increasing
district

- (3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town, or adjoining the high school district of which the city or separated town forms a part, be added to the high school district of the city or separated town or to the high school district of which it forms a part, as the case may be.

R.S.O. 1960,
c. 362, s. 16,
subs. 2,
re-enacted

4. Subsection 2 of section 16 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Idem

- (2) No by-law passed under subsection 3 of section 11 adding the whole or part of one or more municipalities adjoining a city or separated town, or adjoining the high school district of which the city or separated town forms a part, to the high school district of the city or separated town, or to the high school district of which the city or separated town forms a part, is effectual unless the council of the county or the councils of the counties, in which the municipality or municipalities comprising the high school district and the municipality or municipalities to be added to the high school district are situated, pass a by-law or by-laws under subsection 1 of section 12 or subsection 1 of section 13.

R.S.O. 1960,
c. 362, s. 21,
re-enacted

5. Section 21 of *The Secondary Schools and Boards of Education Act*, as amended by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Trustee,
qualification

- 21.—(1) Subject to subsection 2, a person is qualified to be appointed as a trustee of a high school board,

- (a) who is a Canadian citizen;
 - (b) who is of the full age of twenty-one years;
 - (c) who is a resident in the high school district or within five miles of the boundaries thereof; and
 - (d) who is a ratepayer of the high school district.
- (2) A person is not qualified to be appointed as a trustee ^{dis-qualification} of a high school board,
- (a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality or county all or part of which is included in the high school district, unless before his appointment he has filed his resignation with the secretary of the other board or with the clerk of the municipality or county, as the case may be;
 - (b) who is the clerk or treasurer of a municipality or county all or part of which is included in the high school district;
 - (c) who is otherwise disqualified under this or any other Act; or
 - (d) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of appointment, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of appointment.
- (3) A person is qualified to act as a trustee during the term for which he was appointed so long as he continues to have the qualifications mentioned in subsection 1 or 5, as the case may be, and does not become disqualified under clauses *a* to *d* of subsection 2. ^{Qualification to act as trustee}
- (4) The following persons shall be deemed ratepayers ^{Persons deemed ratepayers} under clause *d* of subsection 1:
- (a) a person whose name is entered on the last revised assessment roll;

- (b) the husband or wife of a person assessed as actual owner or tenant of land in the high school district for an amount sufficient to entitle him or her to vote at municipal elections;
- (c) the son or daughter of a person assessed as the owner of a farm in the high school district if he or she is resident on the farm with the assessed owner; and
- (d) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the high school district if he or she resides on the farm with the assessed owner.

County
appointees

- (5) Notwithstanding clauses *c* and *d* of subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under this section is qualified to be appointed as a trustee by the county council.

Interpre-
tation

- (6) For the purposes of this section, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof.

R.S.O. 1960,
c. 362, s. 26,
amended

6. Section 26 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Where tax
arrears
procedures
of R.S.O.
1960, c. 98,
in effect

- (11) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a high school district, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the high school district, and all the powers and duties of the sheriff in respect of arrears of taxes are vested in the treasurer of the board.

R.S.O. 1960,
c. 362, s. 33,
re-enacted

7. Section 33 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Payment
to school
boards

- 33.—(1) Where a municipality or county has raised money for the purposes of a high school board by

the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

- (2) Where debentures are issued by a municipality or county on behalf of a board, the expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board.

8. Clause *b* of section 49 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960,
c. 362, s. 49,
cl. *b*,
repealed

9. Section 62 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960,
c. 362, s. 62,
repealed

10. Section 66 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 362, s. 66,
amended

- (3) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition for the maximum number of Indian pupils agreed upon at the gross cost per pupil, calculated in the manner provided in subsection 4 or 5 of section 69, as the case requires, except that, Agreements
re accom-
modation
for Indian
pupils

(a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and

(b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

- (4) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to Idem

provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be calculated as in subsection 3, except that capital expenditures shall not be included as an expenditure under clause *a* of subsection 4 of section 69.

R.S.O. 1960,
c. 362, s. 68,
subs. 3,
cls. *b, c*,
re-enacted

11. Clauses *b* and *c* of subsection 3 of section 68 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

- (*b*) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*c*) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme if the programme is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*ca*) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*cb*) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field if the course is not available in the county of which he is a county pupil or in the secondary school district in which he is resident.

R.S.O. 1960,
c. 362, s. 69,
amended

12. Section 69 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection:

- (9) The portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed by Canada and the Province shall not be included as an expenditure or as a revenue under clauses *a* and *b* of subsection 4.

Cost of schools under federal-provincial agreements

13.—(1) This Act, except sections 2, 5, 11 and 12, comes into force on the day it receives Royal Assent.

Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Sections 11 and 12 shall be deemed to have come into force on the 1st day of January, 1963.

Idem

(4) Section 5 comes into force on the 1st day of January, 1964.

Idem

14. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1962-63*.

Short title



Handwritten text, likely bleed-through from the reverse side of the page. The text is mirrored and appears to read: "A. M. ... of ..."

An Act to amend The Secondary Schools
and Boards of Education Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. DAVIS

BILL 95

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Department of Education Act

MR. DAVIS

EXPLANATORY NOTE

SECTION 1. The *Vocational Training Co-ordination Act* (Canada) has been repealed and replaced by the *Technical and Vocational Training Assistance Act* (Canada). The provision referring to the original Act is, therefore, amended.

BILL 95

1962-63

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Department of Education Act* is amended by striking out "vocational training as contemplated in the *Vocational Training Co-ordination Act* (Canada)" in the fourth and fifth lines and inserting in lieu thereof "technical and vocational training", so that the subsection shall read as follows:

R.S.O. 1960,
c. 94, s. 13,
subs. 1,
amended

(1) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting technical and vocational training.

Technical
and
vocational
training
agreements

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Department of Education Amendment Act, 1962-63*.

Short title

An Act to amend
The Department of Education Act

1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. DAVIS

BILL 95

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Department of Education Act

MR. DAVIS

(Reprinted as amended by the Committee on Education)

EXPLANATORY NOTES

SECTION 1. The provision for scholarships for study outside Ontario is repealed and will be included in the regulations for scholarships under paragraph 36 of section 12 of the Act.

SECTION 2. Subsection 1 is re-enacted to require the approval of the Lieutenant Governor in Council before the Minister enters into agreements with the Federal Government respecting technical and vocational training. The Minister is also authorized to enter into agreements respecting physical fitness.

BILL 95

1962-63

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Department of Education Act* is repealed. R.S.O. 1960,
c. 94, s. 7,
repealed
2. Subsection 1 of section 13 of *The Department of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 94, s. 13,
subs. 1,
re-enacted
 - (1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada represented by the Minister of Labour of Canada respecting technical and vocational training and represented by the Minister of National Health and Welfare of Canada respecting physical fitness. Technical
and
vocational
agreements,
etc.
- 3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment
- (2) Section 1 comes into force on the 1st day of January, 1964. Idem
4. This Act may be cited as *The Department of Education Amendment Act, 1962-63*. Short title

An Act to amend
The Department of Education Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

MR. DAVIS

(*Reprinted as amended by the
Committee on Education*)

BILL 95

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Department of Education Act

MR. DAVIS



BILL 95

1962-63

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Department of Education Act* is repealed. R.S.O. 1960,
c. 94, s. 7,
repealed
2. Subsection 1 of section 13 of *The Department of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 94, s. 13,
subs. 1,
re-enacted
 - (1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada represented by the Minister of Labour of Canada respecting technical and vocational training and represented by the Minister of National Health and Welfare of Canada respecting physical fitness. Technical
and
vocational
agreements,
etc.
- 3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment
- (2) Section 1 comes into force on the 1st day of January, 1964. Idem
4. This Act may be cited as *The Department of Education Amendment Act, 1962-63*. Short title

An Act to amend
The Department of Education Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. DAVIS

BILL 96

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Schools Administration Act

MR. DAVIS

EXPLANATORY NOTES

SECTION 1. The Ontario Curriculum Institute is an independent body that has been formed to study curriculum problems. The new section authorizes school boards to make grants to the Institute.

SECTION 2. The new section authorizes school boards to borrow funds from time to time pending the receipt of current revenues.

BILL 96

1962-63

**An Act to amend
The Schools Administration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 361,
amended

35a. A board may make grants to the Ontario Curriculum Institute. Grants to
Ontario
Curriculum
Institute

2. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 361,
amended

PART X

FINANCE

100.—(1) Notwithstanding the provisions of any general or special Act, a board may authorize the chairman and secretary-treasurer to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received. Current
borrowings

(2) A board that has jurisdiction only in territory without municipal organization and a separate school board may also borrow, in the manner provided in subsection 1, such sums as the board may deem necessary to meet debt charges payable in any year until the current revenue has been received. For debt
charges

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings Limitation

that have not been repaid, shall not exceed the un-received or uncollected balance of the estimated current revenues of the board, as set forth in the estimates adopted for the year.

When
limitation
calculated
on estimated
revenue

- (4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Schools Administration Amendment Act, 1962-63 (No. 2)*.



An Act to amend
The Schools Administration Act

1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. DAVIS

BILL 96

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Schools Administration Act

MR. DAVIS

(Reprinted as amended by the Committee on Education)

EXPLANATORY NOTES

SECTION 1. The Ontario Curriculum Institute is an independent body that has been formed to study curriculum problems. The new section authorizes school boards to make grants to the Institute.

SECTION 2. The new section authorizes school boards to borrow funds from time to time pending the receipt of current revenues.

BILL 96

1962-63

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 361,
amended

35a. A board may make grants to the Ontario Curriculum Institute. Grants to
Ontario
Curriculum
Institute

2. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 361,
amended

PART X

FINANCE

100.—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the chairman and secretary-treasurer to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received. Current
borrowings

(2) A board that has jurisdiction only in territory without municipal organization and a separate school board may also borrow, in the manner provided in subsection 1, such sums as the board may deem necessary to meet debt charges payable in any year until the current revenue has been received. For debt
charges

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings Limitation

that have not been repaid, shall not exceed the un-received or uncollected balance of the estimated current revenues of the board, as set forth in the estimates adopted for the year.

When
limitation
calculated
on estimated
revenue

- (4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of
resolution
authorizing
borrowing

- (5) At the time, in any year, that any amount is borrowed under this section, the secretary-treasurer shall furnish to the bank a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the bank, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total of any amounts borrowed under this section in the current year that have not been repaid.

Estimated
revenues

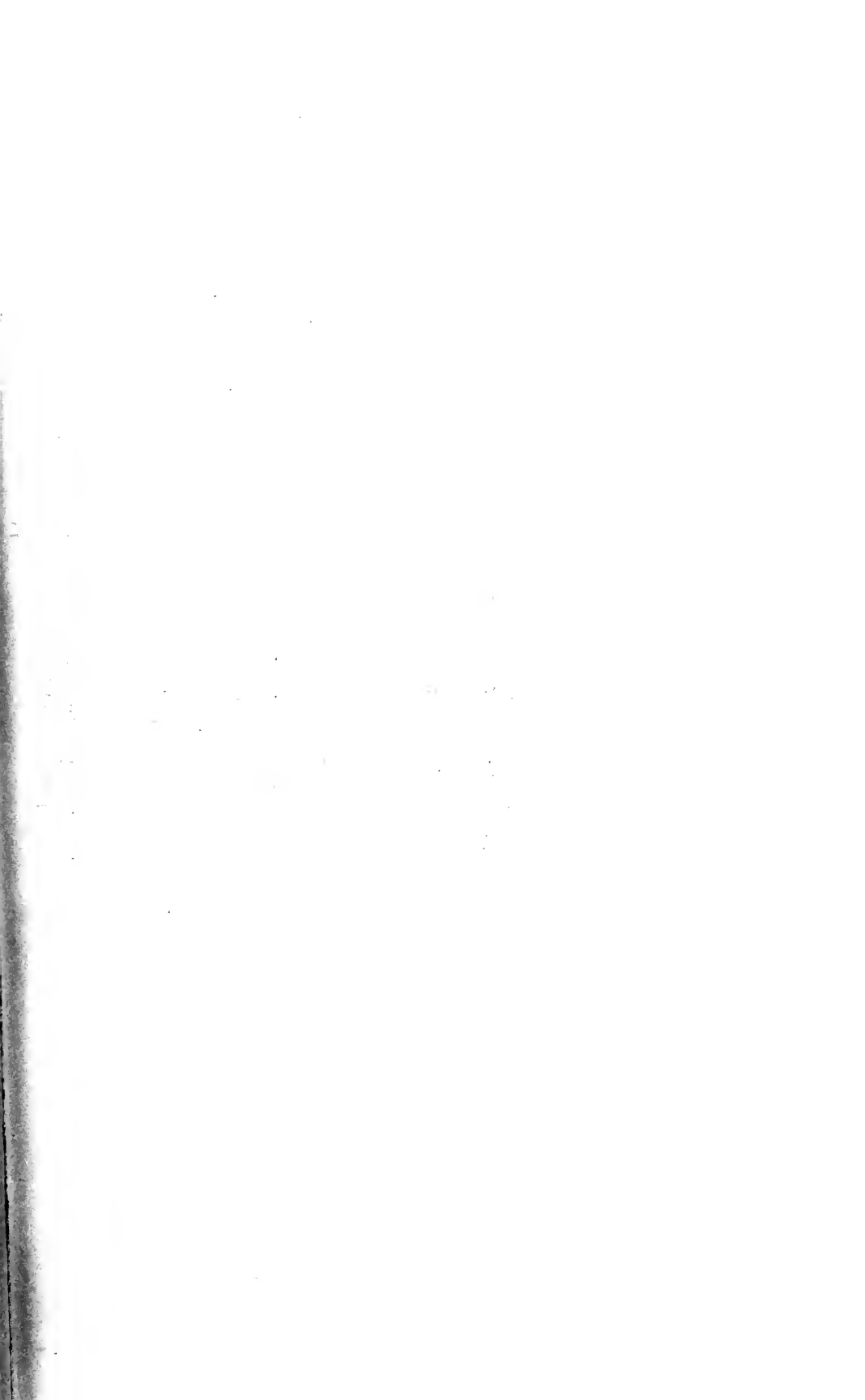
- (6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Schools Administration Amendment Act, 1962-63 (No. 2)*.



An Act to amend
The Schools Administration Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

MR. DAVIS

(Reprinted as amended by the
Committee on Education)

BILL 96

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Schools Administration Act

MR. DAVIS

BILL 96

1962-63

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 361,
amended

35a. A board may make grants to the Ontario Curriculum Institute. Grants to
Ontario
Curriculum
Institute

2. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 361,
amended

PART X

FINANCE

100.—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the chairman and secretary-treasurer to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received. Current
borrowings

(2) A board that has jurisdiction only in territory without municipal organization and a separate school board may also borrow, in the manner provided in subsection 1, such sums as the board may deem necessary to meet debt charges payable in any year until the current revenue has been received. For debt
charges

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings Limitation

that have not been repaid, shall not exceed the un-received or uncollected balance of the estimated current revenues of the board, as set forth in the estimates adopted for the year.

When
limitation
calculated
on estimated
revenue

- (4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of
resolution
authorizing
borrowing

- (5) At the time, in any year, that any amount is borrowed under this section, the secretary-treasurer shall furnish to the bank a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the bank, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total of any amounts borrowed under this section in the current year that have not been repaid.

Estimated
revenues

- (6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Schools Administration Amendment Act, 1962-63 (No. 2)*.



An Act to amend
The Schools Administration Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. DAVIS

BILL 97

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Separate Schools Act

MR. DAVIS

EXPLANATORY NOTES

SECTION 1. The new definitions are complementary to the provisions in section 8 providing for separate school zones.

BILL 97

1962-63

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Separate Schools Act* is amended by ^{R.S.O. 1960, c. 368, s. 17,} relettering clause *a* as clause *aa* and by adding thereto the ^{amended} following clauses:

(a) "combined separate school zone" means a union of two or more separate school zones;

.

(ba) "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately ^{R.S.O. 1960, c. 23} assessed;

.

(da) "rural separate school zone" means a separate school zone established under section 18 in a rural school section or under section 21 in territory without municipal organization;

.

(fa) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;

.

(h) "urban separate school zone" means a separate school division established under section 18 in an urban municipality.

R.S.O. 1960,
c. 368,
amended

2. *The Separate Schools Act* is amended by adding thereto the following section:

Right to
vote re
establish-
ment of
separate
school

21b.—(1) A Roman Catholic who is a householder or freeholder and of the full age of twenty-one years and who desires to establish a separate school is entitled, in the year in which the separate school is established, to vote on any matter relating to such separate school if,

- (a) in the case of a township, he resides in the school section in which the separate school is being established; or
- (b) in the case of an urban municipality, he resides in the municipality; or
- (c) in the case of a separate school for a ward in an urban municipality, he resides in the ward; or
- (d) in the case of territory without municipal organization, he resides in territory without municipal organization and within three miles of the centre designated by the ten or more heads of families who call a meeting under subsection 1 of section 21.

Persons
qualified
to call
meeting
under s. 21

- (2) The persons who are entitled to vote under clause *d* of subsection 1 are the persons qualified to call a meeting under subsection 1 of section 21.

R.S.O. 1960,
c. 368, s. 22,
subs. 2,
re-enacted

3.—(1) Subsection 2 of section 22 of *The Separate Schools Act* is repealed and the following substituted therefor:

Right of
person to
attend
separate
school

- (2) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian resides in a separate school zone and is a separate school supporter has the right to attend, after the 1st day of September in the following year, a separate school in that zone at the expense of the separate school board, except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years.

R.S.O. 1960,
c. 368, s. 22,
subs. 11,
amended

- (2) Subsection 11 of the said section 22 is amended by striking out "that is closest to and within three miles of the residence" in the ninth and tenth lines and inserting in lieu

SECTION 2. The new section sets out the qualifications of persons who are entitled to vote in the year in which a separate school is established on any matter relating to such separate school.

SECTION 3—Subsections 1 and 2. The amendments are complementary to section 8 of this Bill.

Subsection 3. The provisions with respect to non-resident pupils are added to correspond with similar provisions in *The Public Schools Act*.

thereof "zone in which he and his parent or guardian reside", so that the subsection shall read as follows:

- (11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee.

- (3) The said section 22 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 368, s. 22,
amended

- (13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year.

- (14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone, Where a
separate
school
supporter
resides in
one zone
but owns
land in
another
zone

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for separate school purposes in that zone divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a

separate school by the board of that zone without the payment of a fee.

Residents
of non-
assessable
property

- (15) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

R.S.O. 1960,
c. 368, s. 26,
amended

4. Section 26 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Idem

- (2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement.

R.S.O. 1960,
c. 368, s. 32,
subs. 1
(1961-62,
c. 132, s. 4,
subs. 1),
amended

5.—(1) Subsection 1 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "schools" in the eighth line "who vote on the question", so that the subsection shall read as follows:

Formation
of combined
separate
school

- (1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school, and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

SECTION 4. The present section 26 permits a supporter of a rural separate school who is a householder or freeholder to vote on any question at a meeting of the supporters. The new subsection 2 gives wives of supporters the right to vote on questions other than for permanent improvements in a manner similar to the provision for urban separate schools.

SECTION 5—Subsection 1. At present, a majority of those eligible to vote is required to form a combined separate school. The amendment will require only a majority of those who vote on the question.

Subsections 2 and 3. The new subsection 6 provides for more than five trustees when a combined separate school zone includes a former urban separate school zone.

The new subsection 7 is self-explanatory.

SECTION 6. The amendment is complementary to section 8 of this Bill and is to clarify who has a right to vote when a separate school is being detached from a combined separate school zone.

SECTION 7. The provisions of subsections 1 and 3 of section 47 and section 52 are revised for the purpose of clarification and to complement the new provisions in section 8 of this Bill providing for separate school zones.

(2) Subsection 1a of the said section 32, as enacted by sub-
 section 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "and" in the fifth line
 "subject to subsection 6", so that the subsection shall read as
 follows:

R.S.O. 1960,
 c. 368, s. 32,
 subs. 1a
 (1961-62,
 c. 132, s. 4,
 subs. 1),
 amended

- (1a) Where a combined separate school is formed or
 where another separate school is added to or de-
 tached from a combined separate school, the trustees
 in office shall retire on the day of nomination for
 trustees of the combined separate school, and,
 subject to subsection 6, five trustees shall be elected
 by the supporters of the newly-created or altered
 combined separate school as provided in section 27.

Trustees

(3) The said section 32 is amended by adding thereto the
 following subsections:

R.S.O. 1960,
 c. 368, s. 32,
 amended

- (6) Where a combined separate school zone includes a
 former urban separate school zone, the board shall
 be composed of the same number of trustees as the
 urban separate school board would have had under
 section 35, and sections 35 and 36b apply *mutatis*
mutandis to the trustees who shall be elected by
 general vote under section 27.

Trustees in
 combined
 separate
 school
 including
 urban zone

- (7) A board of a combined separate school zone may,
 without the approval of the supporters, acquire a
 school site in any school section in which a separate
 school was formed and which became part of the
 combined separate school zone.

School sites
 for a
 combined
 board

6. Subsection 2 of section 32a of *The Separate Schools Act*,
 as enacted by section 5 of *The Separate Schools Amendment*
Act, 1961-62, is repealed and the following substituted therefor:

R.S.O. 1960,
 c. 368, s. 32a
 (1961-62,
 c. 132, s. 5),
 subs. 2,
 re-enacted

- (2) The persons entitled to vote on the question are the
 supporters of the combined separate school who
 reside closer to the centre in the portion of the
 combined separate school zone that it is proposed
 to detach than to any other centre.

Qualified
 voters for
 detaching a
 separate
 school from
 a combined
 separate
 school

7. Subsections 1 and 3 of section 47 of *The Separate Schools*
Act are repealed and the following substituted therefor:

R.S.O. 1960,
 c. 368, s. 47,
 subss. 1, 3,
 re-enacted

- (1) Every person paying rates in a separate school zone
 on property that he occupies as owner or tenant or
 on unoccupied property that he owns, who by him-
 self or his agent, on or before the 30th day of
 September in any year, gives to the clerk of the

Exemption
 of
 supporters
 from public
 school rates

municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

.

Who may be
supporters
of separate
school

- (3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone.

Rights of
non-residents
to be
assessed for
separate
school
R.S.O. 1960,
c. 23

- (3a) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in *The Assessment Act* that he is the owner of unoccupied land situate therein, may direct that all such land in the separate school zone shall be assessed for the purposes of the separate school.

R.S.O. 1960,
c. 368,
ss. 48, 49,
re-enacted

8. Sections 48 and 49 of *The Separate Schools Act* are repealed and the following substituted therefor:

Boundaries
of zones

- 48.—(1) The boundaries of separate school zones shall be determined in relation to centres.

Centre of
zones

- (2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centres
where two
or more
schools

- (3) Where a board operates two or more separate schools, there shall be a centre for each school.

Centre
where
board owns
land but
does not
operate
school

- (4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land.

Centre
where board
does not
operate
school or
own site

- (5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the

SECTION 8. Sections 48, 49 and 49a provide for separate school zones.

centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned before the 30th day of September of the year in which the parcel was so approved.

- (6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated. Centres of combined zone
- (7) Subject to section 49, every parcel of land that is wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone. Rural and combined separate school zones
- (8) Subject to section 49, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is outside the boundary of the urban municipality but within a radius of three miles from a centre in the urban municipality. Urban separate school zone
- (9) Where a separate school board has heretofore been established for a ward in a municipality, the board is continued until dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward. In wards
- (10) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization. Zones not to include organized and unorganized territory
- (11) For each separate school zone that includes part or all of a township or territory without municipal organization, the separate school inspector designated by the Minister shall, Separate school inspector to prepare maps and descriptions of zones
 - (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
 - (b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;

- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,
 - (i) to each separate school board, a map or description of its zone,
 - (ii) to the township clerk, a map showing the zone boundaries within the township and a description of each zone, and
 - (iii) to each public school inspector, a description of each separate school zone within his inspectorate.

Arbitrate
assets and
liabilities

- (12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the boards concerned shall, in the manner provided in section 34, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding.

Rates in
unorganized
territory
in combined
zone

- (13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the assessing of property and levying and collecting rates for separate schools in the territory without municipal organization.

Boundaries
where urban
municipality
and rural
zone overlap

- 49.—(1) Where a rural separate school zone would otherwise overlap an urban municipality in which a separate school has been established, the boundary of the urban municipality is the boundary between the zones.

Boundaries
where rural
zones
overlap

- (2) Where two or more rural separate school zones would otherwise overlap, the boundaries of the zones shall be determined by a separate school inspector designated by the Minister.

Boundaries
to be
continuous

- (3) Subject to subsection 1, the boundary between two or more separate school zones that would otherwise overlap shall follow a continuous line so that each

parcel of land shall be part of the zone of which the centre is nearer to the parcel than any other centre.

- (4) A separate school board or a separate school supporter affected by the determination of the inspector under subsection 2 may appeal the determination to the county judge before the 1st day of July following the determination. ^{Appeal}
- (5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the inspector or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. ^{Effect of change in boundaries}

49a.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the separate school inspector, the clerk of each municipality concerned and the public school inspector for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting. ^{Discontinuing board by a vote of the supporters}

- (2) A separate school board is discontinued on the 31st day of December in any year, ^{Other conditions under which a separate school board is discontinued}
- (a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or
- (b) if, for any school term after the year in which the board was established, the board,
- (i) fails to operate a school, or
- (ii) fails to make an agreement with another separate school board for the education of its pupils and fails to

R.S.O. 1960,
c. 361

provide transportation for the pupils who would otherwise be excused from attendance under clause *e* of subsection 2 of section 6 of *The Schools Administration Act*; or

(c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or

(d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

Inspector to
notify
Minister,
etc.

(3) When a board is discontinued under subsection 2, the separate school inspector shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the public school inspectors of the school boards affected thereby.

Settling
accounts

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for sakekeeping.

Records

(5) The records of a board that has been discontinued under this section shall be filed in the office of the separate school inspector.

Revision of
boundaries

(6) The separate school inspector shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board.

Sale of
real
property

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the separate school inspector is notified that an offer to purchase the real property has been made, the inspector shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

SECTION 9. The amendment is complementary to section 8 of this Bill and is to clarify the place of voting of a supporter of an urban separate school who resides outside the urban municipality.

SECTION 10. The provisions of section 52 dealing with the right of non-residents to be assessed for separate schools are amended to refer to school zones and are transferred to section 47. See section 7 of this Bill.

SECTION 11. The amendment is to make it clear that a notice given by directors concerning assessment shall not continue in force from year to year if it is ruled on appeal not to be a proper notice.

SECTION 12. Since separate school properties may be scattered sparsely throughout a municipality and since a separate school board sets its own rate, the provision for apportioning the estimates of a board is replaced with a provision to equalize the rates.

(8) When the board has sold the real property, it shall, ^{Deposit of funds from sale} after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

(9) A separate school board that has been discontinued ^{Re-establishing a board} in any year may, in any subsequent year, be re-established in the school section in which the separate school was established in the manner provided in sections 18 to 20 or section 21, and the funds that were deposited by the board that was discontinued shall be returned to the board.

9. Section 50 of *The Separate Schools Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 368, s. 50, re-enacted}

50. When a supporter of a separate school in an urban municipality resides outside the municipality, he is ^{Where person residing out of urban municipality} entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate.

10. Section 52 of *The Separate Schools Act* is repealed. ^{R.S.O. 1960, c. 368, s. 52, repealed}

11. Subsection 4 of section 58 of *The Separate Schools Act* is amended by adding at the end thereof "except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 368, s. 58, subs. 4, amended}

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. ^{Effect of notice}

12. Section 59b of *The Separate Schools Act*, as enacted by section 9 of *The Separate Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 368, s. 59b (1961-62, c. 132, s. 9), re-enacted}

59b.—(1) Where a separate school zone includes territory ^{Determining school rates by equalizing factor} in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone

which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

Adoption of
rate

- (2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Arbitrators,
appointment

- (3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Meeting

- (4) The secretary of the board shall call the meeting of the arbitrators.

Determina-
tion of
factors

- (5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

When
factors
to be
determined

- (6) The factors shall be determined,
 - (a) in the year in which the separate school is formed;
 - (b) in any year that is divisible evenly by 5;
 - (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and
 - (d) in any year if the board so directs.

Appeal to
board

- (7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or

SECTION 13. Section 63 permits a council to set a uniform tax rate for public and separate school purposes and to apportion the levy between them. The section is obsolete and is therefore repealed.

SECTION 14. The amendment is complementary to the sections providing for separate school zones. See section 8 of this Bill.

before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

- (8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors. Use of factors
- (9) The cost of the arbitration shall be paid by the separate school board. Cost of arbitration
- (10) Where an apportionment of the annual sum to be raised for the purposes of a separate school was made under the predecessor of this section, the apportionment shall continue in force and effect until the year next following the year in which it is necessary under this section to determine the factors for the purpose of rates to be levied for the separate school, and, in other cases, the factors shall be determined in the year 1963 for the purposes of taxation in the year 1964. Apportionments made in 1962 and determination of factors in 1963

13. Section 63 of *The Separate Schools Act* is repealed.

R.S.O. 1960, c. 368, s. 63, repealed

14. Subsection 1 of section 66 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 66, subs. 1, re-enacted

- (1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the school house property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any rate-payer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured. Borrowing powers of separate school trustees

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Separate Schools Amendment Act, 1962-63*. Short title

An Act to amend
The Separate Schools Act

1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. DAVIS

BILL 97

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Separate Schools Act

MR. DAVIS

(Reprinted as amended by the Committee on Education)

EXPLANATORY NOTES

SECTION 1. The new definitions are complementary to the provisions in section 8 providing for separate school zones.

BILL 97

1962-63

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Separate Schools Act* is amended by ^{R.S.O. 1960, c. 368, s. 17,} relettering clause *a* as clause *aa* and by adding thereto the amended following clauses:

(a) "combined separate school zone" means a union of two or more separate school zones;

.

(ba) "parcel of land" means a parcel of land that by ^{R.S.O. 1960, c. 23} *The Assessment Act* is required to be separately assessed;

.

(da) "rural separate school zone" means a separate school zone established under section 18 in a rural school section or under section 21 in territory without municipal organization;

.

(fa) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;

.

(h) "urban separate school zone" means a separate school zone established under section 18 in an urban municipality.

R.S.O. 1960,
c. 368,
amended

2. *The Separate Schools Act* is amended by adding thereto the following section:

Right to
vote re
establish-
ment of
separate
school

21b.—(1) A Roman Catholic who is a householder or freeholder and of the full age of twenty-one years and who desires to establish a separate school is entitled, in the year in which the separate school is established, to vote on any matter relating to such separate school if,

(a) in the case of a township, he resides in the school section in which the separate school is being established; or

(b) in the case of an urban municipality, he resides in the municipality; or

(c) in the case of a separate school for a ward in an urban municipality, he resides in the ward; or

(d) in the case of territory without municipal organization, he resides in territory without municipal organization and within three miles of the centre designated by the ten or more heads of families who call a meeting under subsection 1 of section 21.

Persons
qualified
to call
meeting
under s. 21

(2) The persons who are entitled to vote under clause *d* of subsection 1 are the persons qualified to call a meeting under subsection 1 of section 21.

R.S.O. 1960,
c. 368, s. 22,
subs. 2,
re-enacted

3.—(1) Subsection 2 of section 22 of *The Separate Schools Act* is repealed and the following substituted therefor:

Right of
person to
attend
separate
school

(2) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian resides in a separate school zone and is a separate school supporter has the right to attend, after the 1st day of September in the following year, a separate school in that zone at the expense of the separate school board, except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years.

R.S.O. 1960,
c. 368, s. 22,
subs. 11,
amended

(2) Subsection 11 of the said section 22 is amended by striking out "that is closest to and within three miles of the residence" in the ninth and tenth lines and inserting in lieu

SECTION 2. The new section sets out the qualifications of persons who are entitled to vote in the year in which a separate school is established on any matter relating to such separate school.

SECTION 3—Subsections 1 and 2. The amendments are complementary to section 8 of this Bill.

Subsection 3. The provisions with respect to non-resident pupils are added to correspond with similar provisions in *The Public Schools Act*.

thereof "zone in which he and his parent or guardian reside", so that the subsection shall read as follows:

- (11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee.
- (3) The said section 22 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 368, s. 22,
amended
- (13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year. Where
separate
school
supporter
resides in
one zone
but is
closer by
road to a
separate
school in
another
zone
- (14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone, Where a
separate
school
supporter
resides in
one zone
but owns
land in
another
zone
- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,
- for an amount at least equal to the total assessment for separate school purposes in that zone divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a

separate school by the board of that zone without the payment of a fee.

Residents
of non-
assessable
property

- (15) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

R.S.O. 1960,
c. 368, s. 26,
amended

4. Section 26 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Idem

- (2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement.

R.S.O. 1960,
c. 368, s. 32,
subs. 1
(1961-62,
c. 132, s. 4,
subs. 1),
amended

5.—(1) Subsection 1 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "schools" in the eighth line "who vote on the question", so that the subsection shall read as follows:

Formation
of combined
separate
school

- (1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school, and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

SECTION 4. The present section 26 permits a supporter of a rural separate school who is a householder or freeholder to vote on any question at a meeting of the supporters. The new subsection 2 gives wives of supporters the right to vote on questions other than for permanent improvements in a manner similar to the provision for urban separate schools.

SECTION 5—Subsection 1. At present, a majority of those eligible to vote is required to form a combined separate school. The amendment will require only a majority of those who vote on the question.

Subsections 2 and 3. The new subsection 6 provides for more than five trustees when a combined separate school zone includes a former urban separate school zone.

The new subsection 7 is self-explanatory.

SECTION 6. The amendment is complementary to section 8 of this Bill and is to clarify who has a right to vote when a separate school is being detached from a combined separate school zone.

SECTION 7. The provisions of subsections 1 and 3 of section 47 and section 52 are revised for the purpose of clarification and to complement the new provisions in section 8 of this Bill providing for separate school zones.

(2) Subsection 1a of the said section 32, as enacted by sub-^{R.S.O. 1960,}
 section 1 of section 4 of *The Separate Schools Amendment Act*,^{c. 368, s. 32,}
 1961-62, is amended by inserting after "and" in the fifth line^{subs. 1a}
 "subject to subsection 6", so that the subsection shall read as^{(1961-62,}
 follows:^{c. 132, s. 4,}
^{subs. 1),}
^{amended}

(1a) Where a combined separate school is formed or ^{Trustees}
 where another separate school is added to or de-
 tached from a combined separate school, the trustees
 in office shall retire on the day of nomination for
 trustees of the combined separate school, and,
 subject to subsection 6, five trustees shall be elected
 by the supporters of the newly-created or altered
 combined separate school as provided in section 27.

(3) The said section 32 is amended by adding thereto the ^{R.S.O. 1960,}
 following subsections:^{c. 368, s. 32,}
^{amended}

(6) Where a combined separate school zone includes a ^{Trustees in}
 former urban separate school zone, the board shall ^{combined}
 be composed of the same number of trustees as the ^{separate}
 urban separate school board would have had under ^{school}
 section 35, and sections 35 and 36b apply *mutatis* ^{including}
mutandis to the trustees who shall be elected by ^{urban zone}
 general vote under section 27.

(7) A board of a combined separate school zone may, ^{School sites}
 without the approval of the supporters, acquire a ^{for a}
 school site in any school section in which a separate ^{combined}
 school was formed and which became part of the ^{board}
 combined separate school zone.

6. Subsection 2 of section 32a of *The Separate Schools Act*, ^{R.S.O. 1960,}
 as enacted by section 5 of *The Separate Schools Amendment* ^{c. 368, s. 32a}
Act, 1961-62, is repealed and the following substituted therefor: ^{(1961-62,}
^{c. 132, s. 5),}
^{subs. 2,}
^{re-enacted}

(2) The persons entitled to vote on the question are the ^{Qualified}
 supporters of the combined separate school who ^{voters for}
 reside closer to the centre in the portion of the ^{detaching a}
 combined separate school zone that it is proposed ^{separate}
 to detach than to any other centre. ^{school from}
^{a combined}
^{separate}
^{school}

7. Subsections 1 and 3 of section 47 of *The Separate Schools* ^{R.S.O. 1960,}
Act are repealed and the following substituted therefor: ^{c. 368, s. 47,}
^{subs. 1, 3,}
^{re-enacted}

(1) Every person paying rates in a separate school zone ^{Exemption}
 on property that he occupies as owner or tenant or ^{of}
 on unoccupied property that he owns, who by him- ^{supporters}
 self or his agent, on or before the 30th day of ^{from public}
 September in any year, gives to the clerk of the ^{school rates}

municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

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Who may be
supporters
of separate
school

- (3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone.

Rights of
non-residents
to be
assessed for
separate
school
R.S.O. 1960,
c. 23

- (3a) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in *The Assessment Act* that he is the owner of unoccupied land situate therein, may direct that all such land in the separate school zone shall be assessed for the purposes of the separate school.

R.S.O. 1960,
c. 368,
ss. 48, 49,
re-enacted

8. Sections 48 and 49 of *The Separate Schools Act* are repealed and the following substituted therefor:

Boundaries
of zones

- 48.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

Centre of
zones

- (2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centres
where two
or more
schools

- (3) Where a board operates two or more separate schools, there shall be a centre for each school.

Centre
where
board owns
land but
does not
operate
school

- (4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land.

Centre
where board
does not
operate
school or
own site

- (5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the

SECTION 8. Sections 48, 49 and 49*a* provide for separate school zones.



centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned before the 30th day of September of the year in which the parcel was so approved.

- (6) The centres of a combined separate school zone are ^{Centres of combined zone} the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated.
- (7) Subject to section 49, every parcel of land that is ^{Rural and combined separate school zones} wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone.
- (8) Subject to section 49, where a separate school board ^{Urban separate school zone} is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is outside the boundary of the urban municipality but within a radius of three miles from a centre in the urban municipality.
- (9) Where a separate school board has heretofore been ^{In wards} established for a ward in a municipality, the board is continued until dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward.
- (10) A separate school zone, except a combined separate ^{Zones not to include organized and unorganized territory} school zone, shall not include land in a municipality as well as land in territory without municipal organization.
- (11) For each separate school zone that includes part or ^{Separate school inspector to prepare maps and descriptions of zones} all of a township or territory without municipal organization, the separate school inspector designated by the Minister shall,
 - (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
 - (b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;

- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,
 - (i) to each separate school board, a map or description of its zone,
 - (ii) to the township clerk, a map showing the zone boundaries within the township and a description of each zone, and
 - (iii) to each public school inspector, a description of each separate school zone within his inspectorate.

Arbitrate
assets and
liabilities

- (12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the boards concerned shall, in the manner provided in section 34, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding.

Rates in
unorganized
territory
in combined
zone

- (13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the assessing of property and levying and collecting rates for separate schools in the territory without municipal organization.

Boundaries
where urban
municipality
and rural
zone overlap

- 49.—(1) Where a rural separate school zone would otherwise overlap an urban municipality in which a separate school has been established, the boundary of the urban municipality is the boundary between the zones.

Boundaries
where rural
zones
overlap

- (2) Where two or more rural separate school zones would otherwise overlap, the boundaries of the zones shall be determined by a separate school inspector designated by the Minister.

Boundaries
to be
continuous

- (3) Subject to subsection 1, the boundary between two or more separate school zones that would otherwise overlap shall follow a continuous line so that each

parcel of land shall be part of the zone of which the centre is nearer to the parcel than any other centre.

- (4) A separate school board or a separate school supporter affected by the determination of the inspector under subsection 2 may appeal the determination to the county judge before the 1st day of July following the determination. ^{Appeal}
- (5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the inspector or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. ^{Effect of change in boundaries}
- 49a.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the separate school inspector, the clerk of each municipality concerned and the public school inspector for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting. ^{Discontinuing board by a vote of the supporters}
- (2) A separate school board is discontinued on the 31st day of December in any year, ^{Other conditions under which a separate school board is discontinued}
- (a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or
- (b) if, for any school term after the year in which the board was established, the board,
- (i) fails to operate a school, or
- (ii) fails to make an agreement with another separate school board for the education of its pupils and fails to

R.S.O. 1960,
c. 361

provide transportation for the pupils who would otherwise be excused from attendance under clause *e* of subsection 2 of section 6 of *The Schools Administration Act*; or

(c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or

(d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

Inspector to
notify
Minister,
etc.

(3) When a board is discontinued under subsection 2, the separate school inspector shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the public school inspectors of the school boards affected thereby.

Settling
accounts

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Records

(5) The records of a board that has been discontinued under this section shall be filed in the office of the separate school inspector.

Revision of
boundaries

(6) The separate school inspector shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board.

Sale of
real
property

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the separate school inspector is notified that an offer to purchase the real property has been made, the inspector shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

SECTION 9. The amendment is complementary to section 8 of this Bill and is to clarify the place of voting of a supporter of an urban separate school who resides outside the urban municipality.

SECTION 10. The provisions of section 52 dealing with the right of non-residents to be assessed for separate schools are amended to refer to school zones and are transferred to section 47. See section 7 of this Bill.

SECTION 11. The amendment is to make it clear that a notice given by directors concerning assessment shall not continue in force from year to year if it is ruled on appeal not to be a proper notice.

SECTION 12. Since separate school properties may be scattered sparsely throughout a municipality and since a separate school board sets its own rate, the provision for apportioning the estimates of a board is replaced with a provision to equalize the rates.

- (8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping. Deposit of funds from sale
- (9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the school section in which the separate school was established in the manner provided in sections 18 to 20 or section 21, and the funds that were deposited by the board that was discontinued shall be returned to the board. Re-establishing a board
- 9.** Section 50 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 50, re-enacted
50. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. Where person residing out of urban municipality to vote
- 10.** Section 52 of *The Separate Schools Act* is repealed. R.S.O. 1960, c. 368, s. 52, repealed
- 11.** Subsection 4 of section 58 of *The Separate Schools Act* is amended by adding at the end thereof "except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 58, subs. 4, amended
- (4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. Effect of notice
- 12.** Section 59b of *The Separate Schools Act*, as enacted by section 9 of *The Separate Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 59b (1961-62, c. 132, s. 9), re-enacted
- 59b.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone Determining school rates by equalizing factor

which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

Adoption of
rate

- (2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Arbitrators,
appoint-
ment

- (3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Meeting

- (4) The secretary of the board shall call the meeting of the arbitrators.

Determina-
tion of
factors

- (5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

When
factors
to be
determined

- (6) The factors shall be determined,
 - (a) in the year in which the separate school is formed;
 - (b) in any year that is divisible evenly by 5;
 - (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situated; and
 - (d) in any year if the board so directs.

Appeal to
board

- (7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or

SECTION 13. Section 63 permits a council to set a uniform tax rate for public and separate school purposes and to apportion the levy between them. The section is obsolete and is therefore repealed.

SECTION 14. The amendment is complementary to the sections providing for separate school zones. See section 8 of this Bill.

before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

- (8) The factors determined in any year shall be used Use of factors for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors.
- (9) The cost of the arbitration shall be paid by the Cost of arbitration separate school board.
- (10) Where an apportionment of the annual sum to be Apportionments made in 1962 and determination of factors in 1963 raised for the purposes of a separate school was made under the predecessor of this section, the apportionment shall continue in force and effect until the year next following the year in which it is necessary under this section to determine the factors for the purpose of rates to be levied for the separate school, and, in other cases, the factors shall be determined in the year 1963 for the purposes of taxation in the year 1964.

13. Section 63 of *The Separate Schools Act* is repealed.

R.S.O. 1960, c. 368, s. 63, repealed

14. Subsection 1 of section 66 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 66, subs. 1, re-enacted

- (1) The board of a separate school may pass by-laws for Borrowing powers of separate school trustees borrowing money, by mortgages or other instruments, upon the security of the school house property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any ratepayer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured.

15. This Act comes into force on the day it receives Royal Commencement Assent.

16. This Act may be cited as *The Separate Schools Amendment Act, 1962-63*. Short title



An Act to amend
The Separate Schools Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

MR. DAVIS

(*Reprinted as amended by the
Committee on Education*)

BILL 97

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Separate Schools Act

MR. DAVIS



BILL 97

1962-63

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Separate Schools Act* is amended by ^{R.S.O. 1960, c. 368, s. 17,} relettering clause *a* as clause *aa* and by adding thereto the ^{amended} following clauses:

(a) "combined separate school zone" means a union of two or more separate school zones;

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(ba) "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately ^{R.S.O. 1960, c. 23} assessed;

.

(da) "rural separate school zone" means a separate school zone established under section 18 in a rural school section or under section 21 in territory without municipal organization;

.

(fa) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;

.

(h) "urban separate school zone" means a separate school zone established under section 18 in an urban municipality.

R.S.O. 1960,
c. 368,
amended

2. *The Separate Schools Act* is amended by adding thereto the following section:

Right to
vote re
establish-
ment of
separate
school

21b.—(1) A Roman Catholic who is a householder or freeholder and of the full age of twenty-one years and who desires to establish a separate school is entitled, in the year in which the separate school is established, to vote on any matter relating to such separate school if,

- (a) in the case of a township, he resides in the school section in which the separate school is being established; or
- (b) in the case of an urban municipality, he resides in the municipality; or
- (c) in the case of a separate school for a ward in an urban municipality, he resides in the ward; or
- (d) in the case of territory without municipal organization, he resides in territory without municipal organization and within three miles of the centre designated by the ten or more heads of families who call a meeting under subsection 1 of section 21.

Persons
qualified
to call
meeting
under s. 21

- (2) The persons who are entitled to vote under clause *d* of subsection 1 are the persons qualified to call a meeting under subsection 1 of section 21.

R.S.O. 1960,
c. 368, s. 22,
subs. 2,
re-enacted

3.—(1) Subsection 2 of section 22 of *The Separate Schools Act* is repealed and the following substituted therefor:

Right of
person to
attend
separate
school

- (2) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian resides in a separate school zone and is a separate school supporter has the right to attend, after the 1st day of September in the following year, a separate school in that zone at the expense of the separate school board, except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years.

R.S.O. 1960,
c. 368, s. 22,
subs. 11,
amended

- (2) Subsection 11 of the said section 22 is amended by striking out "that is closest to and within three miles of the residence" in the ninth and tenth lines and inserting in lieu

thereof "zone in which he and his parent or guardian reside", so that the subsection shall read as follows:

- (11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee.

- (3) The said section 22 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 368, s. 22,
amended

- (13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year.
- (14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone,

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for separate school purposes in that zone divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a

separate school by the board of that zone without the payment of a fee.

Residents
of non-
assessable
property

- (15) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

R.S.O. 1960,
c. 368, s. 26,
amended

4. Section 26 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Idem

- (2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement.

R.S.O. 1960,
c. 368, s. 32,
subs. 1
(1961-62,
c. 132, s. 4,
subs. 1),
amended

5.—(1) Subsection 1 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "schools" in the eighth line "who vote on the question", so that the subsection shall read as follows:

Formation
of combined
separate
school

- (1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school, and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

(2) Subsection 1a of the said section 32, as enacted by sub-^{R.S.O. 1960,}
 section 1 of section 4 of *The Separate Schools Amendment Act*,^{c. 368, s. 32,}
 1961-62, is amended by inserting after "and" in the fifth line^{subs. 1a}
 "subject to subsection 6", so that the subsection shall read as^{(1961-62,}
 follows:^{c. 132, s. 4,}
^{subs. 1),}
^{amended}

(1a) Where a combined separate school is formed or^{Trustees}
 where another separate school is added to or de-
 tached from a combined separate school, the trustees
 in office shall retire on the day of nomination for
 trustees of the combined separate school, and,
 subject to subsection 6, five trustees shall be elected
 by the supporters of the newly-created or altered
 combined separate school as provided in section 27.

(3) The said section 32 is amended by adding thereto the^{R.S.O. 1960,}
 following subsections:^{c. 368, s. 32,}
^{amended}

(6) Where a combined separate school zone includes a^{Trustees in}
 former urban separate school zone, the board shall^{combined}
 be composed of the same number of trustees as the^{separate}
 urban separate school board would have had under^{school}
 section 35, and sections 35 and 36b apply *mutatis*
mutandis to the trustees who shall be elected by^{including}
 general vote under section 27.^{urban zone}

(7) A board of a combined separate school zone may,^{School sites}
 without the approval of the supporters, acquire a^{for a}
 school site in any school section in which a separate^{combined}
 school was formed and which became part of the^{board}
 combined separate school zone.

6. Subsection 2 of section 32a of *The Separate Schools Act*,^{R.S.O. 1960,}
 as enacted by section 5 of *The Separate Schools Amendment*^{c. 368, s. 32a}
Act, 1961-62, is repealed and the following substituted therefor:^{(1961-62,}
^{c. 132, s. 5),}
^{subs. 2,}
^{re-enacted}

(2) The persons entitled to vote on the question are the^{Qualified}
 supporters of the combined separate school who^{voters for}
 reside closer to the centre in the portion of the^{detaching a}
 combined separate school zone that it is proposed^{separate}
 to detach than to any other centre.^{school from}
^{a combined}
^{separate}
^{school}

7. Subsections 1 and 3 of section 47 of *The Separate Schools*^{R.S.O. 1960,}
Act are repealed and the following substituted therefor:^{c. 368, s. 47,}
^{subs. 1, 3,}
^{re-enacted}

(1) Every person paying rates in a separate school zone^{Exemption}
 on property that he occupies as owner or tenant or^{of}
 on unoccupied property that he owns, who by him-^{supporters}
 self or his agent, on or before the 30th day of^{from public}
 September in any year, gives to the clerk of the^{school rates}

municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

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Who may be
supporters
of separate
school

- (3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone.

Rights of
non-residents
to be
assessed for
separate
school
R.S.O. 1960,
c. 23

- (3a) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in *The Assessment Act* that he is the owner of unoccupied land situate therein, may direct that all such land in the separate school zone shall be assessed for the purposes of the separate school.

R.S.O. 1960,
c. 368,
ss. 48, 49,
re-enacted

8. Sections 48 and 49 of *The Separate Schools Act* are repealed and the following substituted therefor:

Boundaries
of zones

- 48.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

Centre of
zones

- (2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centres
where two
or more
schools

- (3) Where a board operates two or more separate schools, there shall be a centre for each school.

Centre
where board owns
land but
does not
operate
school

- (4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land.

Centre
where board
does not
operate
school or
own site

- (5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the

centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned before the 30th day of September of the year in which the parcel was so approved.

- (6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated. Centres of combined zone
- (7) Subject to section 49, every parcel of land that is wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone. Rural and combined separate school zones
- (8) Subject to section 49, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is outside the boundary of the urban municipality but within a radius of three miles from a centre in the urban municipality. Urban separate school zone
- (9) Where a separate school board has heretofore been established for a ward in a municipality, the board is continued until dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward. In wards
- (10) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization. Zones not to include organized and unorganized territory
- (11) For each separate school zone that includes part or all of a township or territory without municipal organization, the separate school inspector designated by the Minister shall, Separate school inspector to prepare maps and descriptions of zones
 - (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
 - (b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;

(c) where the boundary of a zone is altered, prepare a revised map and description;

(d) sign and date the original maps and description of each zone and retain them on file; and

(e) furnish,

(i) to each separate school board, a map or description of its zone,

(ii) to the township clerk, a map showing the zone boundaries within the township and a description of each zone, and

(iii) to each public school inspector, a description of each separate school zone within his inspectorate.

Arbitrate
assets and
liabilities

(12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the boards concerned shall, in the manner provided in section 34, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding.

Rates in
unorganized
territory
in combined
zone

(13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the assessing of property and levying and collecting rates for separate schools in the territory without municipal organization.

Boundaries
where urban
municipality
and rural
zone overlap

49.—(1) Where a rural separate school zone would otherwise overlap an urban municipality in which a separate school has been established, the boundary of the urban municipality is the boundary between the zones.

Boundaries
where rural
zones
overlap

(2) Where two or more rural separate school zones would otherwise overlap, the boundaries of the zones shall be determined by a separate school inspector designated by the Minister.

Boundaries
to be
continuous

(3) Subject to subsection 1, the boundary between two or more separate school zones that would otherwise overlap shall follow a continuous line so that each

parcel of land shall be part of the zone of which the centre is nearer to the parcel than any other centre.

- (4) A separate school board or a separate school supporter affected by the determination of the inspector under subsection 2 may appeal the determination to the county judge before the 1st day of July following the determination. ^{Appeal}

- (5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the inspector or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. ^{Effect of change in boundaries}

- 49a.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the separate school inspector, the clerk of each municipality concerned and the public school inspector for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting. ^{Discontinuing board by a vote of the supporters}

- (2) A separate school board is discontinued on the 31st day of December in any year, ^{Other conditions under which a separate school board is discontinued}
- (a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or
- (b) if, for any school term after the year in which the board was established, the board,
- (i) fails to operate a school, or
- (ii) fails to make an agreement with another separate school board for the education of its pupils and fails to

provide transportation for the pupils who would otherwise be excused from attendance under clause *e* of subsection 2 of section 6 of *The Schools Administration Act*; or

R.S.O. 1960,
c. 361

(c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or

(d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

Inspector to
notify
Minister,
etc.

(3) When a board is discontinued under subsection 2, the separate school inspector shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the public school inspectors of the school boards affected thereby.

Settling
accounts

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for sakekeeping.

Records

(5) The records of a board that has been discontinued under this section shall be filed in the office of the separate school inspector.

Revision of
boundaries

(6) The separate school inspector shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board.

Sale of
real
property

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the separate school inspector is notified that an offer to purchase the real property has been made, the inspector shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

- (8) When the board has sold the real property, it shall, ^{Deposit of funds from sale} after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.
- (9) A separate school board that has been discontinued ^{Re-establishing a board} in any year may, in any subsequent year, be re-established in the school section in which the separate school was established in the manner provided in sections 18 to 20 or section 21, and the funds that were deposited by the board that was discontinued shall be returned to the board.
- 9.** Section 50 of *The Separate Schools Act* is repealed and ^{R.S.O. 1960, c. 368, s. 50, re-enacted} the following substituted therefor:
50. When a supporter of a separate school in an urban ^{Where person residing out of urban municipality} municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence ^{is situated} is situated.
- 10.** Section 52 of *The Separate Schools Act* is repealed. ^{R.S.O. 1960, c. 368, s. 52, repealed}
- 11.** Subsection 4 of section 58 of *The Separate Schools Act* ^{R.S.O. 1960, c. 368, s. 58, subs. 4, amended} is amended by adding at the end thereof "except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly", so that the subsection shall read as follows:
- (4) A notice given in pursuance of a resolution of the ^{Effect of notice} directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly.
- 12.** Section 59b of *The Separate Schools Act*, as enacted by ^{R.S.O. 1960, c. 368, s. 59b} section 9 of *The Separate Schools Amendment Act, 1961-62*, ^{(1961-62, c. 132, s. 9), re-enacted} is repealed and the following substituted therefor:

59b.—(1) Where a separate school zone includes territory ^{Determining school rates by equalizing factor} in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone

which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

Adoption of
rate

- (2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Arbitrators,
appoint-
ment

- (3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Meeting

- (4) The secretary of the board shall call the meeting of the arbitrators.

Determina-
tion of
factors

- (5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

When
factors
to be
determined

- (6) The factors shall be determined,
 - (a) in the year in which the separate school is formed;
 - (b) in any year that is divisible evenly by 5;
 - (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and
 - (d) in any year if the board so directs.

Appeal to
board

- (7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or

before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

- (8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors. Use of factors
- (9) The cost of the arbitration shall be paid by the separate school board. Cost of arbitration
- (10) Where an apportionment of the annual sum to be raised for the purposes of a separate school was made under the predecessor of this section, the apportionment shall continue in force and effect until the year next following the year in which it is necessary under this section to determine the factors for the purpose of rates to be levied for the separate school, and, in other cases, the factors shall be determined in the year 1963 for the purposes of taxation in the year 1964. Apportionments made in 1962 and determination of factors in 1963

13. Section 63 of *The Separate Schools Act* is repealed. R.S.O. 1960, c. 368, s. 63, repealed

14. Subsection 1 of section 66 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 66, subs. 1, re-enacted

- (1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the school house property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any rate-payer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured. Borrowing powers of separate school trustees

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Separate Schools Amendment Act, 1962-63*. Short title

An Act to amend
The Separate Schools Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. DAVIS

BILL 98

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Gasoline Tax Act

MR. ALLAN (Haldimand-Norfolk)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The definitions of "gasoline" and "purchaser" are amended to separate aviation fuel from gasoline so that a different rate of tax may be applied to each—see section 2 of this Bill.

SECTION 2. At the present time the purchaser of aviation fuel is taxed at the rate of 13 cents per gallon and is entitled to a refund of 11 cents per gallon when such fuel is used in aircraft.

The new subsection reduces the tax to the net amount.

SECTION 3. The scope of the provision is widened to provide for returns, etc., as to aviation fuel.

BILL 98

1962-63

An Act to amend The Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Gasoline Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 162, s. 1,
cl. *b*,
re-enacted

- (*b*) “gasoline” includes any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include aviation fuel or the products commonly known as fuel oil, coal oil or kerosene, or such products as are excluded from this Act by the regulations, except when any such product is mixed or combined with gasoline.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 162, s. 1,
cl. *d*,
re-enacted

- (*d*) “purchaser” means any person purchasing or receiving delivery in Ontario of gasoline or aviation fuel for his own use.

2. Section 2 of *The Gasoline Tax Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 162, s. 2,
amended

- (2) Every purchaser of aviation fuel shall pay to the Minister for the use of the Crown in right of Ontario a charge or tax at the rate of 2 cents per imperial gallon on all aviation fuel purchased or the delivery of which is received by him.

Tax on
aviation
fuel

3. Clause *e* of section 3 of *The Gasoline Tax Act* is amended by inserting after “gasoline” in the third line “or aviation fuel”, so that the clause shall read as follows:

R.S.O. 1960,
c. 162, s. 3,
cl. *e*,
amended

- (e) prescribing the returns and statements to be made by importers, manufacturers, vendors and purchasers of gasoline or aviation fuel, the information to be given in such returns and statements, and by whom and in what manner they shall be made.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of April, 1963.

Short title

5. This Act may be cited as *The Gasoline Tax Amendment Act, 1962-63*.



1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 98

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1.—(1) Clause *b* of section 1 of *The Gasoline Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 162, s. 1,
cl. *b*,
re-enacted

(*b*) "gasoline" includes any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include aviation fuel or the products commonly known as fuel oil, coal oil or kerosene, or such products as are excluded from this Act by the regulations, except when any such product is mixed or combined with gasoline.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 162, s. 1,
cl. *d*,
re-enacted

(*d*) "purchaser" means any person purchasing or receiving delivery in Ontario of gasoline or aviation fuel for his own use.

2. Section 2 of *The Gasoline Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 162, s. 2,
amended

(2) Every purchaser of aviation fuel shall pay to the Minister for the use of the Crown in right of Ontario a charge or tax at the rate of 2 cents per imperial gallon on all aviation fuel purchased or the delivery of which is received by him. Tax on
aviation
fuel

3. Clause *e* of section 3 of *The Gasoline Tax Act* is amended by inserting after "gasoline" in the third line "or aviation fuel", so that the clause shall read as follows: R.S.O. 1960,
c. 162, s. 3,
cl. *e*,
amended

- (e) prescribing the returns and statements to be made by importers, manufacturers, vendors and purchasers of gasoline or aviation fuel, the information to be given in such returns and statements, and by whom and in what manner they shall be made.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of April, 1963.

Short title

5. This Act may be cited as *The Gasoline Tax Amendment Act, 1962-63*.



An Act to amend The Gasoline Tax Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. ALAN (Haldimand-Norfolk)

BILL 99

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Gasoline Handling Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTE

These amendments are complementary to Bill 98, *An Act to amend The Gasoline Tax Act*.

BILL 99

1962-63

An Act to amend The Gasoline Handling Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Gasoline Handling Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 161, s. 1,
cl. *a*,
re-enacted

(*a*) "aviation fuel" includes any gas or liquid that is sold to be used or is used to create power to propel an aircraft, and any product that is designated to be aviation fuel by the regulations;

(*aa*) "gasoline" includes aviation fuel and any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the product commonly known as kerosene or coal oil or such products as are excluded from this Act by the regulation, except when kerosene, coal oil or any product that is excluded from this Act by the regulations is aviation fuel or is mixed or combined with gasoline.

2. Subsection 1 of section 12 of *The Gasoline Handling Act* is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 161, s. 12,
subs. 1,
amended

(*da*) designating products to be aviation fuel;

(*db*) excluding products from this Act.

3. This Act shall be deemed to have come into force on the 1st day of April, 1963.

Commence-
ment

4. This Act may be cited as *The Gasoline Handling Amendment Act, 1962-63*.

Short title

An Act to amend
The Gasoline Handling Act

1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

BILL 99

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Gasoline Handling Act

MR. ALLAN (Haldimand-Norfolk)



BILL 99

1962-63

An Act to amend The Gasoline Handling Act

enacER MAJESTY, by and with the advice and consent of
H the Legislative Assembly of the Province of Ontario,
 ts as follows:

1. Clause *a* of section 1 of *The Gasoline Handling Act* is R.S.O. 1960,
c. 161, s. 1,
cl. *a*,
re-enacted
 repealed and the following substituted therefor:

- (*a*) "aviation fuel" includes any gas or liquid that is sold to be used or is used to create power to propel an aircraft, and any product that is designated to be avaiation fuel by the regulations;
- (*aa*) "gasoline" includes aviation fuel and any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the product commonly known as kerosene or coal oil or such products as are excluded from this Act by the regulations, except when kerosene, coal oil or any product that is excluded from this Act by the regulations is aviation fuel or is mixed or combined with gasoline.

2. Subsection 1 of section 12 of *The Gasoline Handling Act* R.S.O. 1960,
c. 161, s. 12,
subs. 1,
amended
 is amended by adding thereto the following clauses:

- (*da*) designating products to be aviation fuel;
- (*db*) excluding products from this Act.

3. This Act shall be deemed to have come into force on Commence-
ment
 the 1st day of April, 1963.

4. This Act may be cited as *The Gasoline Handling Amend- Short title
 ment Act, 1962-63*.

An Act to amend
The Gasoline Handling Act

1st Reading

March 14th, 1963

2nd Reading

March 19th, 1963

3rd Reading

April 26th, 1963

MR. ALAN (Haldimand-Norfolk)

BILL 100

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Legislative Assembly Act

MR. WINTERMEYER

EXPLANATORY NOTE

Where the Chief Election Officer fails to issue a writ of election within ten days after the time limit, any two members may issue the writ. This Bill is supplemented by an amendment to *The Election Act* being introduced at this session requiring the local sheriff to receive the writ and act as returning officer where none is appointed.

BILL 100

1962-63

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 208, s. 28,
re-enacted

28.—(1) Subject to section 25, if the seat of a member has been vacant for three months and no writ has been issued, the Chief Election Officer shall issue the writ within ten days thereafter. Where
vacancy
exists for
three
months

(2) If at the end of the said ten days no writ has been issued, then any two members may issue a writ under their own hands to the returning officer in accordance with Form 3, and the first writ received by the returning officer is a valid writ of election. When two
members
may issue
writ of
election

2. *The Legislative Assembly Act* is amended by adding thereto the following form: R.S.O. 1960,
c. 208,
amended

FORM 3

(Section 28 (2))

WRIT OF ELECTION

To:

WE COMMAND YOU to cause election to be made of a member (or as the case may be) to serve in the Legislative Assembly of Ontario, for the electoral district of in the Province of Ontario, in the place of (stating the cause of the vacancy) and that you do cause the nomination of candidates at such election to be held on the day of next and, if a poll becomes necessary, that the same be held on the day of next and do cause the name (or names) of such member (or members) when so elected, whether he is (or they are) present or absent, to be certified to our Chief Election Officer.

WITNESS our hands and seals at the City of Toronto this
day of, 19.....

.....
.....

ENDORSEMENT

Received the within Writ on the day of,
19.....

.....
Returning Officer

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1962-63*.



An Act to amend
The Legislative Assembly Act

1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. WINTERMEYER

BILL 101

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Election Act

MR. WINTERMEYER

EXPLANATORY NOTES

SECTION 1. This amendment is supplementary to a Bill to amend *The Legislative Assembly Act* being introduced at this session.

SECTION 2. Where an election is required by two members of the Legislature under an amendment to *The Legislative Assembly Act* being introduced at this session and no returning officer has been appointed, the local sheriff acts as returning officer.

BILL 101

1962-63

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Election Act* is amended by inserting after "Council" in the second line "or any other person authorized to issue a writ of election", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 118, s. 19,
subs. 1,
amended

- (1) Where an election is to be held, the Lieutenant Governor in Council or any other person authorized to issue a writ of election may appoint a day for the nomination of candidates, which day shall be,

Nomination
day

2. Section 24 of *The Election Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 118, s. 24,
amended

- (8) Where a writ of election is issued under subsection 2 of section 28 of *The Legislative Assembly Act*, if there is no returning officer for the electoral district, then the writ of election may be addressed and directed to the sheriff of any county in which any portion of the electoral district is located, and the sheriff shall thereupon assume all the duties of a returning officer for the electoral district.

Where no
returning
officer
appointed
R.S.O. 1960,
c. 208

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Election Amendment Act*, Short title 1962-63.

An Act to amend The Election Act

1st Reading

March 14th, 1963

2nd Reading

3rd Reading

MR. WINTERMEYER

BILL 102

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to provide for the Disclosure of the Cost of Credit

MR. WINTERMEYER

EXPLANATORY NOTE

The Bill requires a creditor to deliver to his debtor a statement of all the costs payable by the debtor in respect of the credit extended, and the creditor forfeits the right to recover any costs not shown in the statement.

BILL 102

1962-63

An Act to provide for the Disclosure of the Cost of Credit

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "cost of credit" means,

- (i) where the credit arises from the loan of money advanced, the total amount that the debtor agrees to pay to or to the credit of the creditor in respect of the loan, less the amount of money actually advanced under the loan, or
- (ii) where the credit arises in the purchase of real or personal property, the total amount that the debtor agrees to pay to or to the credit of the creditor in respect of the purchase, less the actual purchase price of the property;

- (b) "credit" means the right to recover payment of a loan of money advanced or to recover the amount remaining unpaid for real or personal property purchased where payment therefor in full is not made at the time of the purchase.

2.—(1) Before credit is extended, the creditor shall deliver Statement
of cost of
credit to the debtor a statement of the cost of the credit showing,

- (a) the amount of money advanced or purchase price remaining unpaid;
- (b) the total amount payable as interest over the term of the credit if the debtor makes the minimum payments to which he has agreed, expressed as a sum of money;

- (c) the amount of any bonus payable by the debtor;
- (d) the amount of any cost, charge, fee or other expense payable by the debtor; and
- (e) any other amount that the debtor agrees to pay in respect of the credit.

Limitation
of recovery
of cost
of credit

(2) The creditor shall not recover and the debtor is not liable to pay any cost of credit that is not shown on the statement delivered in accordance with subsection 1.

Short title

3. This Act may be cited as *The Cost of Credit Act, 1962-63*.



7th & 10th Dec. 1890. Disposition of

EXPLANATORY NOTES

SECTIONS 1 and 3. The purpose of these amendments is to exclude deputy fire chiefs, in addition to fire chiefs, from the collective bargaining procedures of the Act.

SECTION 2. The purpose of these amendments is to reduce the maximum work week of full-time fire fighters from the present 56 hours to 48 hours commencing in 1964.

BILL 103

1962-63

An Act to amend The Fire Departments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Departments Act* is amended by R.S.O. 1960, c. 145, s. 1, relettering clause *a* as clause *aa* and by adding thereto the amended following clause:

- (a) "deputy chief" means a person who has been appointed by the council of the municipality to act in the place of the chief of the fire department in his absence or in the case of a vacancy in the office.

2.—(1) Clause *c* of subsection 1 of section 2 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 1, cl. *c*, re-enacted

- (c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty on the average in any work week are not more than fifty-six hours up to and including the 31st day of December, 1963, and are not more than forty-eight hours thereafter. Alternative systems

(2) Subsection 3 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 3, re-enacted

- (3) No full-time fire fighter shall be required to be on duty on the average in any work week more than fifty-six hours up to and including the 31st day of December, 1963, and not more than forty-eight hours thereafter. Maximum hours

3. Subsection 1 of section 5 of *The Fire Departments Act* is amended by inserting after "chief" in the seventh line "and the deputy chief", so that the subsection shall read as follows: R.S.O. 1960, c. 145, s. 5, subs. 1, amended



Journal of the

Board of Directors

An Act to amend
The Fire Departments Act

1st Reading

March 18th, 1963

2nd Reading

3rd Reading

Mr. Cass

BILL 103

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Fire Departments Act

MR. CASS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTIONS 1 and 3. The purpose of these amendments is to exclude deputy fire chiefs, in addition to fire chiefs, from the collective bargaining procedures of the Act.

SECTION 2. The purpose of these amendments is to reduce the maximum work week of full-time fire fighters from the present 56 hours to 48 hours commencing in 1964.

BILL 103

1962-63

An Act to amend The Fire Departments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Departments Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 145, s. 1, amended

- (a) "deputy chief" means the one person who has been appointed by the council of the municipality to act in the place of the chief of the fire department in his absence or in the case of a vacancy in the office.

2.—(1) Clause *c* of subsection 1 of section 2 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 1, cl. c, re-enacted

- (c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty on the average in any work week are not more than fifty-six hours up to and including the 31st day of December, 1963, and are not more than forty-eight hours thereafter. Alternative systems

(2) Subsection 3 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 3, re-enacted

- (3) No full-time fire fighter shall be required to be on duty on the average in any work week more than fifty-six hours up to and including the 31st day of December, 1963, and not more than forty-eight hours thereafter. Maximum hours

3. Subsection 1 of section 5 of *The Fire Departments Act* is amended by inserting after "chief" in the seventh line "and the deputy chief", so that the subsection shall read as follows: R.S.O. 1960, c. 145, s. 5, subs. 1, amended

Bargaining

- (1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within 120 days after receipt of the request commence to bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief and the deputy chief of the fire department.

**Commence-
ment**

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Fire Departments Amendment Act, 1962-63*.



An Act to amend
The Fire Departments Act

1st Reading

March 18th, 1963

2nd Reading

March 20th, 1963

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 103

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Fire Departments Act

MR. CASS

- Bargaining (1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within 120 days after receipt of the request commence to bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief and the deputy chief of the fire department.
- Commencement 4. This Act comes into force on the day it receives Royal Assent.
- Short title 5. This Act may be cited as *The Fire Departments Amendment Act, 1962-63*.

An Act to amend
The Fire Departments Act

1st Reading

March 18th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 104

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Fire Marshals Act

MR. CASS

EXPLANATORY NOTE

The amendments adopt the procedure under *The Emergency Measures Act, 1962-63* for declaring an emergency for the purpose of invoking the emergency provisions for fire services.

BILL 104

1962-63

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Fire Marshals Act*, as enacted by section 1 of *The Fire Marshals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 148, s. 1,
cl. *a*
(1961-62,
c. 44, s. 1),
re-enacted

(*a*) "emergency" means an emergency as defined in *The Emergency Measures Act, 1962-63*.

1962-63,
c.

2. Subsection 1 of section 3*a* of *The Fire Marshals Act*, as enacted by section 2 of *The Fire Marshals Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 148, s. 3*a*
(1961-62,
c. 44, s. 2),
subs. 1,
repealed

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Fire Marshals Amendment Act, 1962-63*.

Short title

An Act to amend The Fire Marshals Act

1st Reading

March 18th, 1963

2nd Reading

3rd Reading

Mr. Cass

BILL 104

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Fire Marshals Act

MR. CASS



BILL 104

1962-63

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Fire Marshals Act*, as enacted R.S.O. 1960, c. 148, s. 1, by section 1 of *The Fire Marshals Amendment Act, 1961-62*, cl. *a* (1961-62, c. 44, s. 1), is repealed and the following substituted therefor: re-enacted

(a) "emergency" means an emergency as defined in *The 1962-63, Emergency Measures Act, 1962-63*. c.

2. Subsection 1 of section 3*a* of *The Fire Marshals Act*, as R.S.O. 1960, c. 148, s. 3*a* enacted by section 2 of *The Fire Marshals Amendment Act, 1961-62*, (1961-62, c. 44, s. 2), 1961-62, is repealed. subs. 1, repealed

3. This Act comes into force on the day it receives Royal Commence-
Assent. ment

4. This Act may be cited as *The Fire Marshals Amendment Act, 1962-63*. Short title

An Act to amend The Fire Marshals Act

1st Reading

March 18th, 1963

2nd Reading

March 20th, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 105

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to provide for the Establishment of an Ontario Food Council

MR. STEWART

EXPLANATORY NOTE

The Bill provides for the establishment of The Ontario Producers, Processors, Distributors and Consumers Food Council and sets out its objects.

BILL 105

1962-63

An Act to provide for the Establishment of an Ontario Food Council

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agricultural food product" means any article of food or drink designated in the regulations as an agricultural food product;
- (b) "agricultural product" means any natural product of agriculture produced in Ontario, and includes any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, that is designated in the regulations as an agricultural product;
- (c) "Food Council" means The Ontario Producers, Processors, Distributors and Consumers Food Council;
- (d) "Minister" means the Minister of Agriculture;
- (e) "regulations" means the regulations made under this Act.

2.—(1) There shall be a council to be known as "The Ontario Producers, Processors, Distributors and Consumers Food Council" which shall consist of not fewer than five members appointed by the Lieutenant Governor in Council. The Ontario Producers, Processors, Distributors and Consumers Food Council

(2) The Lieutenant Governor in Council may designate one of the members as chairman and one as vice-chairman of the Food Council. Chairman, vice-chairman

(3) A majority of the members of the Food Council constitutes a quorum. Quorum

Food
Council
composed
of sections

(4) The Food Council shall be composed of sections, including,

- (a) a fresh and processed fruit and vegetable products section;
- (b) a dairy and poultry products section;
- (c) a meat products section; and
- (d) a cereal grains products section.

Officers
and
employees

(5) The Lieutenant Governor in Council may appoint such officers, clerks and employees as are necessary for the conduct of the affairs of the Food Council.

Expenses

(6) The members of the Food Council shall receive such expenses as the Lieutenant Governor in Council determines.

Minister
may
designate
persons in
public
service of
Ontario to
assist Food
Council

(7) In the administration of its affairs, the Food Council may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose.

Food Council
may engage
services of
persons

3. The Food Council may engage the services of such persons as are required to carry out the objects of the Food Council.

Objects of
Food
Council

4. The objects of the Food Council are,

- (a) to promote methods of ensuring the orderly marketing of agricultural products and agricultural food products;
- (b) to conduct studies of and make reports on crop conditions, import and export markets, domestic markets, tariffs and methods of distribution and sale of agricultural products and agricultural food products;
- (c) to promote research into the development of markets for agricultural products and agricultural food products;
- (d) to stimulate the advertising and promotion of agricultural products and agricultural food products;
- (e) to inquire into and report to the Minister on measures and projects referred to it by the Minister; and

- (f) to advise the Minister on matters relating to the development of markets for agricultural products and agricultural food products.

5. Subject to the approval of the Minister, the Food Council may, Powers of Food Council

- (a) promote and co-ordinate campaigns to market surpluses of agricultural products and agricultural food products;
- (b) enter into arrangements with any person, partnership or corporation engaged in producing, processing or manufacturing one or more agricultural products or agricultural food products for the purpose of assisting the person, partnership or corporation in carrying out programmes for the development of markets for agricultural products and agricultural food products;
- (c) transact any business necessary for or incidental to any matter under clause *a* or *b*.

6.—(1) The Food Council shall conduct such investigations Investigations as the Lieutenant Governor in Council approves into matters relating to the producing, distributing, processing and handling of agricultural products or agricultural food products.

(2) For the purposes of carrying out an investigation under subsection 1, the chairman or vice-chairman has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of chairman, vice-chairman in investigation R.S.O. 1960, c. 323

(3) The Food Council may receive complaints and collect Undesirable trade practices data respecting trade practices in the food industry that it deems undesirable and take such steps as are necessary to bring these practices to the notice of the person or persons concerned, and, for the purpose of effecting the discontinuance of such undesirable trade practices, may co-operate with any branch or agency of the Government of Canada or the Government of Ontario.

7. The Food Council may recommend to the Agricultural Research Institute of Ontario projects of research that assist in the carrying out of the intent and purpose of this Act. Food Council may recommend projects to Agricultural Research Institute of Ontario

8.—(1) The Minister, upon the recommendation of the Food Council, may make grants for the purpose of carrying out the objects of the Food Council to any agency, corporation, Grants

organization, partnership or person engaged in the marketing or distributing of agricultural products or agricultural food products.

Idem (2) The grants referred to in subsection 1 are payable out of the moneys appropriated therefor by the Legislature.

Annual report **9.**—(1) The Food Council shall make a report annually to the Minister, including a report on its activities and a financial statement certified by the Provincial Auditor and such other matters relating to the work of the Food Council as the Minister requires.

Tabling (2) A copy of the report shall be filed with the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Fiscal year **10.** The fiscal year of the Food Council commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Regulations **11.** The Lieutenant Governor in Council may make regulations,

- (a) designating any article of food or drink as an agricultural food product;
- (b) designating any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, as an agricultural product;
- (c) providing for the payment of grants and prescribing the terms and conditions thereof;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement **12.** This Act comes into force on the day it receives Royal Assent.

Short title **13.** This Act may be cited as *The Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63*.

of the Quaker Food Council
You get the benefits for the people

An Act to provide for the Establishment
of an Ontario Food Council

1st Reading

March 18th, 1963

2nd Reading

3rd Reading

MR. STEWART

BILL 105

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to provide for the Establishment of an Ontario Food Council

MR. STEWART

[illegible]

An Act to provide for the Establishment of an Ontario Food Council

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agricultural food product" means any article of food or drink designated in the regulations as an agricultural food product;
- (b) "agricultural product" means any natural product of agriculture produced in Ontario, and includes any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, that is designated in the regulations as an agricultural product;
- (c) "Food Council" means The Ontario Producers, Processors, Distributors and Consumers Food Council;
- (d) "Minister" means the Minister of Agriculture;
- (e) "regulations" means the regulations made under this Act.

2.—(1) There shall be a council to be known as "The Ontario Producers, Processors, Distributors and Consumers Food Council" which shall consist of not fewer than five members appointed by the Lieutenant Governor in Council. The Ontario Producers, Processors, Distributors and Consumers Food Council

(2) The Lieutenant Governor in Council may designate one of the members as chairman and one as vice-chairman of the Food Council. Chairman, vice-chairman

(3) A majority of the members of the Food Council constitutes a quorum. Quorum

Food
Council
composed
of sections

(4) The Food Council shall be composed of sections, including,

- (a) a fresh and processed fruit and vegetable products section;
- (b) a dairy and poultry products section;
- (c) a meat products section; and
- (d) a cereal grains products section.

Officers
and
employees

(5) The Lieutenant Governor in Council may appoint such officers, clerks and employees as are necessary for the conduct of the affairs of the Food Council.

Expenses

(6) The members of the Food Council shall receive such expenses as the Lieutenant Governor in Council determines.

Minister
may
designate
persons in
public
service of
Ontario to
assist Food
Council

(7) In the administration of its affairs, the Food Council may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose.

Food Council
may engage
services of
persons

3. The Food Council may engage the services of such persons as are required to carry out the objects of the Food Council.

Objects of
Food
Council

4. The objects of the Food Council are,

- (a) to promote methods of ensuring the orderly marketing of agricultural products and agricultural food products;
- (b) to conduct studies of and make reports on crop conditions, import and export markets, domestic markets, tariffs and methods of distribution and sale of agricultural products and agricultural food products;
- (c) to promote research into the development of markets for agricultural products and agricultural food products;
- (d) to stimulate the advertising and promotion of agricultural products and agricultural food products;
- (e) to inquire into and report to the Minister on measures and projects referred to it by the Minister; and

- (f) to advise the Minister on matters relating to the development of markets for agricultural products and agricultural food products.

5. Subject to the approval of the Minister, the Food Council may, Powers of Food Council

- (a) promote and co-ordinate campaigns to market surpluses of agricultural products and agricultural food products;
- (b) enter into arrangements with any person, partnership or corporation engaged in producing, processing or manufacturing one or more agricultural products or agricultural food products for the purpose of assisting the person, partnership or corporation in carrying out programmes for the development of markets for agricultural products and agricultural food products;
- (c) transact any business necessary for or incidental to any matter under clause *a* or *b*.

6.—(1) The Food Council shall conduct such investigations as the Lieutenant Governor in Council approves into matters relating to the producing, distributing, processing and handling of agricultural products or agricultural food products. Investigations

(2) For the purposes of carrying out an investigation under subsection 1, the chairman or vice-chairman has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of chairman, vice-chairman in investigation R.S.O. 1960, c. 323

(3) The Food Council may receive complaints and collect data respecting trade practices in the food industry that it deems undesirable and take such steps as are necessary to bring these practices to the notice of the person or persons concerned, and, for the purpose of effecting the discontinuance of such undesirable trade practices, may co-operate with any branch or agency of the Government of Canada or the Government of Ontario. Undesirable trade practices

7. The Food Council may recommend to the Agricultural Research Institute of Ontario projects of research that assist in the carrying out of the intent and purpose of this Act. Food Council may recommend projects to Agricultural Research Institute of Ontario

8.—(1) The Minister, upon the recommendation of the Food Council, may make grants for the purpose of carrying out the objects of the Food Council to any agency, corporation, Grants

organization, partnership or person engaged in the marketing or distributing of agricultural products or agricultural food products.

Idem (2) The grants referred to in subsection 1 are payable out of the moneys appropriated therefor by the Legislature.

Annual report **9.**—(1) The Food Council shall make a report annually to the Minister, including a report on its activities and a financial statement certified by the Provincial Auditor and such other matters relating to the work of the Food Council as the Minister requires.

Tabling (2) A copy of the report shall be filed with the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Fiscal year **10.** The fiscal year of the Food Council commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Regulations **11.** The Lieutenant Governor in Council may make regulations,

(a) designating any article of food or drink as an agricultural food product;

(b) designating any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, as an agricultural product;

(c) providing for the payment of grants and prescribing the terms and conditions thereof;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement **12.** This Act comes into force on the day it receives Royal Assent.

Short title **13.** This Act may be cited as *The Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63*.

of the Commission of the European Communities
for the purpose of the European Union

An Act to provide for the Establishment
of an Ontario Food Council

1st Reading

March 18th, 1963

2nd Reading

March 21st, 1963

3rd Reading

April 3rd, 1963

MR. STEWART

BILL 106

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Farm Products Marketing Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1—Subsection 1. “Marketing” is redefined for purposes of clarification.

Subsection 2. As marketing is carried out entirely by local boards, marketing agencies are no longer in existence and the definition of marketing agency is therefore deleted.

Subsection 3. Complementary to section 4 of this Bill.

SECTION 2. The provision is re-enacted to include in the purpose and intent of the Act the control and regulation of the marketing of a regulated product and, where a plan is amended, the regulation and control of the producing of the regulated product.

BILL 106

1962-63

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 1,
cl. *e*,
re-enacted

(*e*) “marketing” means buying, selling and offering for sale, and includes advertising, financing, assembling, storing, packing and shipping and transporting in any manner by any person, and “market” and “marketed” have corresponding meanings.

(2) Clause *f* of the said section 1 is repealed.

R.S.O. 1960,
c. 137, s. 1,
cl. *f*,
repealed

(3) Clause *h* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 1,
cl. *h*,
re-enacted

(*h*) “plan” means a plan to provide for the control and regulation of the marketing of a farm product that is in force under this Act, and includes a scheme approved under any predecessor of this Act.

2. Section 2 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 2,
re-enacted

2. The purpose and intent of this Act is,

Purpose
of Act

(*a*) to provide for the control and regulation in any or all respects of the marketing within Ontario of farm products; and

(*b*) where a plan established under this Act for control and regulation of the marketing of a regulated product is amended to provide for control and regulation in any or all respects of

the producing of the regulated product, to provide for control and regulation in any or all respects of the producing and marketing within Ontario of the regulated product,

including the prohibition of such marketing or such producing and marketing, as the case may be, in whole or in part.

R.S.O. 1960,
c. 137, s. 4,
subs. 1,
cl. aa
(1961-62,
c. 41, s. 1),
re-enacted

3.—(1) Clause aa of subsection 1 of section 4 of *The Farm Products Marketing Act*, as enacted by section 1 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (aa) investigate any matter relating to the producing, marketing or processing of a regulated product;
- (ab) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the buying or the selling, as the case may be, of the regulated product.

R.S.O. 1960,
c. 137, s. 4,
subs. 1, cl. e,
re-enacted

(2) Clause e of subsection 1 of the said section 4 is repealed and the following substituted therefor:

- (e) appoint persons to inspect the books, records, lands and premises and any regulated product of persons engaged in the marketing of the regulated product;
- (ea) appoint persons to inspect,
 - (i) the books and records,
 - (ii) the lands and premises,
 - (iii) any flue-cured tobacco, and
 - (iv) any growing plants or other development in the producing of flue-cured tobacco,

of persons engaged in the producing of flue-cured tobacco.

R.S.O. 1960,
c. 137, s. 4,
subs. 4, cl. a,
re-enacted

(3) Clause a of subsection 4 of the said section 4 is repealed and the following substituted therefor:

- (a) providing for the filing by each local board with the Board of true copies of,
 - (i) minutes of all meetings of the local board,

SECTION 3—Subsection 1. The powers of the Board with respect to investigations and the prohibition of the buying and selling of a regulated product are clarified.

Subsection 2. The powers of the Board in regard to the appointment of inspectors are extended and clarified.

Subsections 3 and 4. The amendments are complementary to subsection 2 of section 1 of this Bill.

SECTION 4. Section 5 of the Act is re-enacted to provide for the Board to recommend to the Minister the establishment of a plan for the control and regulation of the marketing of a farm product and the amendment of a plan or the regulations under a plan.

SECTION 5—Subsection 1. The new clause *aa* permits regulations to be made amending a plan established for the control and regulation of the marketing of a regulated product to provide for the control and regulation of the producing of the regulated product under the plan.

- (ii) all by-laws of the local board,
- (iii) all orders and directions of the local board,
- (iv) all reports of annual operations of the local board,
- (v) all annual financial statements and audited reports of the local board, and
- (vi) such further statements and reports as the Board requires from the local board.

(4) Subclauses i and ii of clause *b* of subsection 4 of the said section 4 are repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 4, subs. 4, cl. b, subcls. i, ii, re-enacted

- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board, and
- (ii) the publication of the annual statement of operations and the financial report of each local board; and

4. Section 5 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 5, re-enacted

5.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the control and regulation of the marketing of a farm product or any class or part thereof and the Board is of the opinion that the group of producers is representative of the persons engaged in the production of the farm product or class or part thereof, the Board may recommend the establishment of such plan to the Minister. Petition for a plan

(2) Where the Board receives from a local board a request that amendment be made to the plan or to regulations under the plan under which the local board is constituted, the Board may recommend such amendment to the Minister. Amendment to plan

5.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 137, s. 6, subs. 1, amended

- (aa) amending any plan that is established for the control and regulation of the marketing of a regulated

product to provide for the control and regulation in any or all respects of the producing within Ontario or any part thereof of the regulated product under the plan.

R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. b,
re-enacted (2) Clause *b* of subsection 1 of the said section 6 is repealed and the following substituted therefor:

(b) defining any word or words for the purpose of any plan.

R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. f,
re-enacted (3) Clause *f* of subsection 1 of the said section 6 is repealed and the following substituted therefor:

(f) notwithstanding any other Act, providing for,

- (i) the carrying out by the Board or a trustee of any or all of the powers of a local board,
- (ii) the vesting of the assets of a local board in the Board or a trustee, and
- (iii) the disposing of any or all of the assets of a local board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the local board, the regulation prevails.

R.S.O. 1960,
c. 137, s. 6,
subs. 2,
re-enacted (4) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

Application
of plan

- (2) A plan may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose, and to any or all persons engaged in producing or marketing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

6.—(1) Subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by striking out “marketed locally within Ontario” in the second and third lines, so that the subsection, exclusive of the paragraphs, shall read as follows:

Regulations

- (1) The Board may make regulations generally or with respect to any regulated product,

Subsection 2. The clause is re-enacted for purposes of clarification.

Subsection 3. Clause *f* is re-enacted in order to delete references to marketing agency.

Subsection 4. The intent is clarified.

SECTION 6—Subsections 1, 2, 3. The amendments are for the purpose of clarification.

Subsection 4. The powers of the Board to make regulations are clarified and extended.

(2) Paragraph 7a of subsection 1 of the said section 8, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 7a
(1961-62,
c. 41, s. 2),
re-enacted

- 7a. requiring any person who produces and processes a regulated product to furnish to the Board or the local board statements of the amounts of the regulated product that he produced in any year and used for processing.

(3) Paragraph 9 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 9,
re-enacted

9. providing for the exemption from any or all of the regulations, orders or directions under any plan of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product.

(4) Paragraph 11 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 11,
re-enacted

11. providing for the control and regulation of the producing of flue-cured tobacco, including the times and places at which flue-cured tobacco may be produced;
- 11a. providing for,
- (i) the marketing of a regulated product on a quota basis,
 - (ii) the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Board deems proper,
 - (iii) the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Board deems proper, and
 - (iv) the reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Board deems proper;

11b. prohibiting,

- (i) any person to whom a quota has not been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product,

- (ii) any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota, and
- (iii) any person to whom a quota has been fixed and allotted for the marketing of a regulated product produced on land in respect of which such quota was fixed and allotted from marketing any of the regulated product other than the regulated product produced on such land.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 14,
amended

(5) Paragraph 14 of subsection 1 of the said section 8 is amended by striking out "or marketing agency" in the second line, so that the paragraph shall read as follows:

- 14. notwithstanding any other Act, providing that no local board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Board.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

(6) Subsection 1 of the said section 8 is further amended by adding thereto the following paragraph:

- 19a. requiring that no charges, costs or expenses relating to the production or marketing of the regulated product shall be made other than such charges, costs or expenses as are provided in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product. !

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 20,
re-enacted

(7) Paragraph 20 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

- 20. authorizing any local board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring such local board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such local board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers.

Subsection 5. Complementary to subsection 2 of section 1 of this Bill.

Subsection 6. The amendment provides that the only costs for marketing are those provided in the agreement or award that is in force.

Subsection 7. The amendment is for purposes of clarification and is also complementary to subsection 2 of section 1 of this Bill.

Subsection 8. The amendment makes it clear that a local board can sue to recover prices owing to producers.

Subsection 9. Complementary to subsection 2 of section 1 of this Bill.

Subsection 10. The paragraph repealed authorized the Board to make regulations prescribing the percentages of votes required under section 5 of the Act. Section 5 of the Act, as re-enacted by section 4 of this Bill, does not refer to the holding of a plebiscite. The new paragraph authorizes the Board to make regulations providing for the holding of a plebiscite.

Subsection 11. Complementary to subsection 2 of section 1 of this Bill.

Subsection 12. Paragraph 28 is re-enacted to clarify its intent. The new paragraphs 28*a* and 28*b* extend the Board's authority to make regulations.

(8) Paragraph 21 of subsection 1 of the said section 8 is amended by adding at the end thereof "and to recover such price or prices by suit in a court of competent jurisdiction", so that the paragraph shall read as follows:

21. authorizing any local board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the local board and to recover such price or prices by suit in a court of competent jurisdiction.

(9) Paragraph 22 of subsection 1 of the said section 8 is amended by striking out "except where a marketing agency has been designated for the marketing of a regulated product" in the first and second lines, so that the paragraph shall read as follows:

22. authorizing any local board to prohibit the marketing of any class, variety, grade or size of any regulated product.

(10) Paragraph 25 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

25. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product.

(11) Paragraphs 26 and 27 of subsection 1 of the said section 8 are repealed.

(12) Paragraph 28 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

28. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;
- 28a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the local board constituted to administer the plan under which the regulated product is regulated;
- 28b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the local board constituted to administer the plan established for control and regulation of the marketing of the regulated product.

R.S.O. 1960,
c. 137, s. 8,
subs. 2,
cl. a,
amended

(13) Clause *a* of subsection 2 of the said section 8 is amended by inserting after "may" in the second line "notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be", so that the clause shall read as follows:

- (a) shall be filed with the Board forthwith after the making thereof and the Board may, notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award or re-negotiated agreement or award or part thereof to come into force on the day it is so filed or on such later day as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, shall remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

R.S.O. 1960,
c. 137, s. 8,
subs. 5,
amended

(14) Subsection 5 of the said section 8 is amended by striking out "paragraphs 1 to 12 of" in the second line, so that the subsection shall read as follows:

Delegation
of powers
to local
board

- (5) The Board may delegate to a local board such of its powers under subsection 1 as it deems necessary, and may at any time terminate such delegation.

R.S.O. 1960,
c. 137, s. 9,
subs. 1,
amended

7.—(1) Subsection 1 of section 9 of *The Farm Products Marketing Act* is amended by striking out "marketing agency" in the second line and in the third line and inserting in lieu thereof in each instance "local board" and by striking out "locally within Ontario" in the fifth line, so that the subsection, exclusive of the clauses, shall read as follows:

Regulations
vesting
powers in
local board

- (1) The Board may make regulations vesting in any local board any powers that the Board deems necessary or advisable to enable such local board effectively to promote, regulate and control the marketing of the regulated product, and, without limiting the generality of the foregoing, may make regulations,

R.S.O. 1960,
c. 137, s. 9,
subs. 1, cl. a,
amended

(2) Clause *a* of subsection 1 of the said section 9 is amended by striking out "marketing agency designated under paragraph 26 of subsection 1 of section 8" in the first and second lines and inserting in lieu thereof "local board", so that the clause, exclusive of the subclauses, shall read as follows:

Subsection 13. The amendment clarifies the authority of the Board to declare in force an agreement or award.

Subsection 14. The amendment permits the Board to delegate to a local board any of its powers to make regulations.

SECTION 7—Subsection 1. The amendment is for purposes of clarification and is also complementary to subsection 2 of section 1 of this Bill.

Subsections 2, 3, 4 and 5. Complementary to subsection 2 of section 1 of this Bill.

Subsection 6. The amendment permits a local board to deduct its expenses from service charges and to pay the remainder to the producers.

Subsections 7 to 14. The amendments are for purposes of clarification and are also complementary to subsection 2 of section 1 of this Bill.

- (a) vesting in any local board any or all of the following powers:

(3) Subclause v of clause a of subsection 1 of the said section 9 is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. v, re-enacted

- (v) to fix and impose service charges from time to time for the marketing of the regulated product.

(4) Subclause vi of clause a of subsection 1 of the said section 9 is amended by striking out "marketing agency" in the third line and inserting in lieu thereof "local board", so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. vi, amended

- (vi) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the local board.

(5) Subclause viii of clause a of subsection 1 of the said section 9 is amended by striking out "marketing agency" in the third line and inserting in lieu thereof "local board", so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. viii, amended

- (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the local board deems advisable.

(6) Clause a of subsection 1 of the said section 9 is further amended by adding thereto the following subclauses: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, amended

- (ix) to pay from service charges imposed under subclause v its expenses in carrying out the purposes of the plan,

- (x) to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v and to fix the times at which or within which such payments shall be made.

(7) Clauses b, c, d and e of subsection 1 of the said section 9 are repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 9, subs. 1, cls. b, c, re-enacted; cls. d, e, repealed

- (b) providing that the regulated product shall be marketed by or through the local board and prohibiting any person from marketing any of the regulated product except by or through the local board;

- (c) providing for statements to be given by any local board to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it.

R.S.O. 1960,
c. 137, s. 9,
subs. 2,
amended

(8) Subsection 2 of the said section 9 is amended by striking out "marketing agency" in the first line and inserting in lieu thereof "local board", so that the subsection shall read as follows:

Powers may
be limited

(2) Any powers exercisable by a local board may be limited as to time and place.

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
amended

(9) Subsection 3 of the said section 9 is amended by striking out "or its marketing agency" in the fourth line, so that the subsection, exclusive of the clauses, shall read as follows:

Board may
require
information

(3) The Board may from time to time with respect to any regulated product require the local board to furnish any information that the Board deems necessary to determine the operations of the local board and, without limiting the generality of the foregoing, may require the local board to furnish particulars of,

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
cl. a,
amended

(10) Clause *a* of subsection 3 of the said section 9 is amended by striking out "clause *b*" and inserting in lieu thereof "subclause *v* of clause *a*", so that the clause shall read as follows:

(a) the service charges fixed under subclause *v* of clause *a* of subsection 1.

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
cl. d,
amended

(11) Clause *d* of subsection 3 of the said section 9 is amended by striking out "or the marketing agency" in the second line, so that the clause shall read as follows:

(d) operating deficits or profits and reserves of the local board.

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
cl. e,
amended

(12) Clause *e* of subsection 3 of the said section 9 is amended by striking out "or the marketing agency" in the second line, so that the clause shall read as follows:

(e) property leased, owned or otherwise acquired or used by the local board; and

R.S.O. 1960,
c. 137, s. 9,
subs. 4,
amended

(13) Subsection 4 of the said section 9 is amended by striking out "clause *b*" in the third line and inserting in lieu thereof "subclause *v* of clause *a*", so that the subsection shall read as follows:

SECTION 8. Complementary to subsection 2 of section 1 of this Bill.

SECTION 9. The amendment clarifies the intent of the provision and is also complementary to subsection 2 of section 1 of this Bill.

SECTION 10. The section is re-enacted to clarify its intent. Complementary to subsection 2 of section 1 of this Bill.

- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under subclause v of clause a of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper. Maximum
service
charges

- (14) Subsections 6 and 7 of the said section 9 are repealed. R.S.O. 1960,
c. 137, s. 9,
subss. 6, 7,
repealed

8. Section 10 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 10,
re-enacted

10. Where the Board delegates to a local board any of its powers or vests in a local board powers to promote, regulate and control the marketing of a regulated product, the Board may, at any time, Limitation
of powers
of local
board

(a) limit the powers of the local board in any or all respects; and

(b) revoke any regulation, order or direction of the local board made or purporting to be made under such powers.

9. Section 13 of *The Farm Products Marketing Act* is amended by inserting after "order" in the third line "regulation" and by striking out "or any marketing agency" in the fourth line, so that the section shall read as follows: R.S.O. 1960,
c. 137, s. 13,
amended

13. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order, regulation or direction of the Board or any local board, or of any agreement or award or re-negotiated agreement or award filed with the Board, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a subsequent offence to a fine of not less than \$50 and not more than \$500. Offences

10. Section 16 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 16,
re-enacted

16. In an action or prosecution under this Act where the production of an agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Board or a local board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Board or the local board, as the case may be, is admissible Evidence

in evidence as *prima facie* proof of the making and the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it.

R.S.O. 1960,
o. 137,
amended

11. *The Farm Products Marketing Act* is amended by adding thereto the following section:

Interpre-
tation

18.—(1) In this section,

- (a) "local board" means The Ontario Flue-Cured Tobacco Growers' Marketing Board;
- (b) "producing" means planting, growing, harvesting, curing and preparing for sale, and "produced" and "production" have corresponding meanings;
- (c) "tobacco" means unmanufactured flue-cured tobacco produced in Ontario;
- (d) "tobacco acreage" means a number of acres of land fixed and allotted to a person for the producing in any year of tobacco on a tobacco farm; and
- (e) "tobacco farm" means one or more parcels of land in respect of which the Board or the local board determines,
 - (i) the land is suitable for the producing of tobacco, and
 - (ii) the producer has provided such buildings or other structures and equipment as are suitable and adequate for the producing of tobacco,

and in respect of which the Board or the local board, as the case may be, allots a tobacco acreage.

Regulations
re tobacco

(2) The Board may make regulations,

- (a) notwithstanding paragraph 3 of subsection 1 of section 8, providing for the refusal to grant a licence for the producing of tobacco for any reason that the Board deems proper;

SECTION 11. The amendment provides for the production of flue-cured tobacco on an acreage or other production quota basis.

(b) providing for,

- (i) the producing of tobacco on a basis of tobacco acreage or other production quota,
- (ii) the fixing and allotting to persons of tobacco acreages or other production quotas on such basis as the Board deems proper,
- (iii) the refusing to fix and allot to any person a tobacco acreage or other production quota for any reason that the Board deems proper, and
- (iv) the reducing of, or the refusing to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the Board deems proper;

(c) prohibiting,

- (i) any person to whom a tobacco acreage or other production quota has not been fixed and allotted from producing tobacco,
- (ii) any person to whom a tobacco acreage or other production quota has been fixed and allotted from producing any tobacco or acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, and
- (iii) any person from producing tobacco on land other than a tobacco farm in respect of which a tobacco acreage or other production quota has been fixed and allotted to such person;

(d) providing for the destroying of any growing tobacco plants or other development in the producing of tobacco, or of tobacco produced in Ontario by any person,

- (i) to whom a tobacco acreage or other production quota has not been fixed and allotted,

- (ii) on acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, or
- (iii) on land other than a tobacco farm in respect of which a tobacco acreage or other production quota has been fixed and allotted to such person.

Regulations
may be
limited

- (3) Any regulation made under this section may be limited as to time and place.

Delegation
of powers to
local board

- (4) The Board may delegate to the local board such of the powers under subsection 1 as it deems necessary and may at any time terminate such delegation.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Farm Products Marketing Amendment Act, 1962-63*.

THE NEW PRODUCTS COMPANY, INC.
NEW YORK, N. Y.

An Act to amend
The Farm Products Marketing Act

1st Reading

March 18th, 1963

2nd Reading

3rd Reading

MR. STEWART

BILL 106

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Farm Products Marketing Act

MR. STEWART

BILL 106

1962-63

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 1,
cl. *e*,
re-enacted

(*e*) “marketing” means buying, selling and offering for sale, and includes advertising, financing, assembling, storing, packing and shipping and transporting in any manner by any person, and “market” and “marketed” have corresponding meanings.

(2) Clause *f* of the said section 1 is repealed.

R.S.O. 1960,
c. 137, s. 1,
cl. *f*,
repealed

(3) Clause *h* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 1,
cl. *h*,
re-enacted

(*h*) “plan” means a plan to provide for the control and regulation of the marketing of a farm product that is in force under this Act, and includes a scheme approved under any predecessor of this Act.

2. Section 2 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 2,
re-enacted

2. The purpose and intent of this Act is,

Purpose
of Act

(*a*) to provide for the control and regulation in any or all respects of the marketing within Ontario of farm products; and

(*b*) where a plan established under this Act for control and regulation of the marketing of a regulated product is amended to provide for control and regulation in any or all respects of

the producing of the regulated product, to provide for control and regulation in any or all respects of the producing and marketing within Ontario of the regulated product,

including the prohibition of such marketing or such producing and marketing, as the case may be, in whole or in part.

R.S.O. 1960,
c. 137, s. 4,
subs. 1,
cl. aa
(1961-62,
c. 41, s. 1),
re-enacted

3.—(1) Clause aa of subsection 1 of section 4 of *The Farm Products Marketing Act*, as enacted by section 1 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (aa) investigate any matter relating to the producing, marketing or processing of a regulated product;
- (ab) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the buying or the selling, as the case may be, of the regulated product.

R.S.O. 1960,
c. 137, s. 4,
subs. 1, cl. e,
re-enacted

(2) Clause e of subsection 1 of the said section 4 is repealed and the following substituted therefor:

- (e) appoint persons to inspect the books, records, lands and premises and any regulated product of persons engaged in the marketing of the regulated product;
- (ea) appoint persons to inspect,
 - (i) the books and records,
 - (ii) the lands and premises,
 - (iii) any flue-cured tobacco, and
 - (iv) any growing plants or other development in the producing of flue-cured tobacco,

of persons engaged in the producing of flue-cured tobacco.

R.S.O. 1960,
c. 137, s. 4,
subs. 4, cl. a,
re-enacted

(3) Clause a of subsection 4 of the said section 4 is repealed and the following substituted therefor:

- (a) providing for the filing by each local board with the Board of true copies of,
 - (i) minutes of all meetings of the local board,

- (ii) all by-laws of the local board,
- (iii) all orders and directions of the local board,
- (iv) all reports of annual operations of the local board,
- (v) all annual financial statements and audited reports of the local board, and
- (vi) such further statements and reports as the Board requires from the local board.

(4) Subclauses i and ii of clause b of subsection 4 of the said section 4 are repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 4, subs. 4, cl. b, subcls. i, ii, re-enacted

- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board, and
- (ii) the publication of the annual statement of operations and the financial report of each local board; and

4. Section 5 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 5, re-enacted

5.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the control and regulation of the marketing of a farm product or any class or part thereof and the Board is of the opinion that the group of producers is representative of the persons engaged in the production of the farm product or class or part thereof, the Board may recommend the establishment of such plan to the Minister. Petition for a plan

(2) Where the Board receives from a local board a request that amendment be made to the plan or to regulations under the plan under which the local board is constituted, the Board may recommend such amendment to the Minister. Amendment to plan

5.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 137, s. 6, subs. 1, amended

- (aa) amending any plan that is established for the control and regulation of the marketing of a regulated

product to provide for the control and regulation in any or all respects of the producing within Ontario or any part thereof of the regulated product under the plan.

R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. b, and the following substituted therefor:
re-enacted

(2) Clause *b* of subsection 1 of the said section 6 is repealed

(b) defining any word or words for the purpose of any plan.

R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. f, and the following substituted therefor:
re-enacted

(3) Clause *f* of subsection 1 of the said section 6 is repealed

(f) notwithstanding any other Act, providing for,

(i) the carrying out by the Board or a trustee of any or all of the powers of a local board,

(ii) the vesting of the assets of a local board in the Board or a trustee, and

(iii) the disposing of any or all of the assets of a local board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the local board, the regulation prevails.

R.S.O. 1960,
c. 137, s. 6,
subs. 2,
re-enacted

(4) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

Application
of plan

(2) A plan may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose, and to any or all persons engaged in producing or marketing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

6.—(1) Subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by striking out “marketed locally within Ontario” in the second and third lines, so that the subsection, exclusive of the paragraphs, shall read as follows:

Regulations

(1) The Board may make regulations generally or with respect to any regulated product,

.

(2) Paragraph 7a of subsection 1 of the said section 8, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 7a,
(1961-62,
c. 41, s. 2),
re-enacted

- 7a. requiring any person who produces and processes a regulated product to furnish to the Board or the local board statements of the amounts of the regulated product that he produced in any year and used for processing.

(3) Paragraph 9 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 9,
re-enacted

9. providing for the exemption from any or all of the regulations, orders or directions under any plan of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product.

(4) Paragraph 11 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 11,
re-enacted

11. providing for the control and regulation of the producing of flue-cured tobacco, including the times and places at which flue-cured tobacco may be produced;

11a. providing for,

- (i) the marketing of a regulated product on a quota basis,
- (ii) the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Board deems proper,
- (iii) the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Board deems proper, and
- (iv) the reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Board deems proper;

11b. prohibiting,

- (i) any person to whom a quota has not been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product,

- (ii) any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota, and
- (iii) any person to whom a quota has been fixed and allotted for the marketing of a regulated product produced on land in respect of which such quota was fixed and allotted from marketing any of the regulated product other than the regulated product produced on such land.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 14,
amended

- (5) Paragraph 14 of subsection 1 of the said section 8 is amended by striking out "or marketing agency" in the second line, so that the paragraph shall read as follows:

14. notwithstanding any other Act, providing that no local board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Board.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

- (6) Subsection 1 of the said section 8 is further amended by adding thereto the following paragraph:

19a. requiring that no charges, costs or expenses relating to the production or marketing of the regulated product shall be made other than such charges, costs or expenses as are provided in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 20,
re-enacted

- (7) Paragraph 20 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

20. authorizing any local board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring such local board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such local board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers.

(8) Paragraph 21 of subsection 1 of the said section 8 is amended by adding at the end thereof "and to recover such price or prices by suit in a court of competent jurisdiction", so that the paragraph shall read as follows:

21. authorizing any local board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the local board and to recover such price or prices by suit in a court of competent jurisdiction.

(9) Paragraph 22 of subsection 1 of the said section 8 is amended by striking out "except where a marketing agency has been designated for the marketing of a regulated product" in the first and second lines, so that the paragraph shall read as follows:

22. authorizing any local board to prohibit the marketing of any class, variety, grade or size of any regulated product.

(10) Paragraph 25 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

25. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product.

(11) Paragraphs 26 and 27 of subsection 1 of the said section 8 are repealed.

(12) Paragraph 28 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

28. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;
- 28a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the local board constituted to administer the plan under which the regulated product is regulated;
- 28b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the local board constituted to administer the plan established for control and regulation of the marketing of the regulated product.

R.S.O. 1960,
c. 137, s. 8,
subs. 2,
cl. a,
amended

(13) Clause *a* of subsection 2 of the said section 8 is amended by inserting after "may" in the second line "notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be", so that the clause shall read as follows:

- (a) shall be filed with the Board forthwith after the making thereof and the Board may, notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award or re-negotiated agreement or award or part thereof to come into force on the day it is so filed or on such later day as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, shall remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

R.S.O. 1960,
c. 137, s. 8,
subs. 5,
amended

(14) Subsection 5 of the said section 8 is amended by striking out "paragraphs 1 to 12 of" in the second line, so that the subsection shall read as follows:

Delegation
of powers
to local
board

- (5) The Board may delegate to a local board such of its powers under subsection 1 as it deems necessary, and may at any time terminate such delegation.

R.S.O. 1960,
c. 137, s. 9,
subs. 1,
amended

7.—(1) Subsection 1 of section 9 of *The Farm Products Marketing Act* is amended by striking out "marketing agency" in the second line and in the third line and inserting in lieu thereof in each instance "local board" and by striking out "locally within Ontario" in the fifth line, so that the subsection, exclusive of the clauses, shall read as follows:

Regulations
vesting
powers in
local board

- (1) The Board may make regulations vesting in any local board any powers that the Board deems necessary or advisable to enable such local board effectively to promote, regulate and control the marketing of the regulated product, and, without limiting the generality of the foregoing, may make regulations,

R.S.O. 1960,
c. 137, s. 9,
subs. 1, cl. a,
amended

(2) Clause *a* of subsection 1 of the said section 9 is amended by striking out "marketing agency designated under paragraph 26 of subsection 1 of section 8" in the first and second lines and inserting in lieu thereof "local board", so that the clause, exclusive of the subclauses, shall read as follows:

- (a) vesting in any local board any or all of the following powers:

(3) Subclause v of clause a of subsection 1 of the said section 9 is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. v, re-enacted

(v) to fix and impose service charges from time to time for the marketing of the regulated product.

(4) Subclause vi of clause a of subsection 1 of the said section 9 is amended by striking out "marketing agency" in the third line and inserting in lieu thereof "local board", so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. vi, amended

- (vi) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the local board.

(5) Subclause viii of clause a of subsection 1 of the said section 9 is amended by striking out "marketing agency" in the third line and inserting in lieu thereof "local board", so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. viii, amended

- (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the local board deems advisable.

(6) Clause a of subsection 1 of the said section 9 is further amended by adding thereto the following subclauses: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, amended

- (ix) to pay from service charges imposed under subclause v its expenses in carrying out the purposes of the plan,
- (x) to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v and to fix the times at which or within which such payments shall be made.

(7) Clauses b, c, d and e of subsection 1 of the said section 9 are repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 9, subs. 1, cls. b, c, re-enacted; cls. d, e, repealed

- (b) providing that the regulated product shall be marketed by or through the local board and prohibiting any person from marketing any of the regulated product except by or through the local board;

- (c) providing for statements to be given by any local board to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it.

R.S.O. 1960,
c. 137, s. 9,
subs. 2,
amended

(8) Subsection 2 of the said section 9 is amended by striking out "marketing agency" in the first line and inserting in lieu thereof "local board", so that the subsection shall read as follows:

Powers may
be limited

(2) Any powers exercisable by a local board may be limited as to time and place.

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
amended

(9) Subsection 3 of the said section 9 is amended by striking out "or its marketing agency" in the fourth line, so that the subsection, exclusive of the clauses, shall read as follows:

Board may
require
information

(3) The Board may from time to time with respect to any regulated product require the local board to furnish any information that the Board deems necessary to determine the operations of the local board and, without limiting the generality of the foregoing, may require the local board to furnish particulars of,

.

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
cl. a,
amended

(10) Clause *a* of subsection 3 of the said section 9 is amended by striking out "clause *b*" and inserting in lieu thereof "subclause v of clause *a*", so that the clause shall read as follows:

(a) the service charges fixed under subclause v of clause *a* of subsection 1.

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
cl. d,
amended

(11) Clause *d* of subsection 3 of the said section 9 is amended by striking out "or the marketing agency" in the second line, so that the clause shall read as follows:

(d) operating deficits or profits and reserves of the local board.

R.S.O. 1960,
c. 137, s. 9,
subs. 3,
cl. e,
amended

(12) Clause *e* of subsection 3 of the said section 9 is amended by striking out "or the marketing agency" in the second line, so that the clause shall read as follows:

(e) property leased, owned or otherwise acquired or used by the local board; and

.

R.S.O. 1960,
c. 137, s. 9,
subs. 4,
amended

(13) Subsection 4 of the said section 9 is amended by striking out "clause *b*" in the third line and inserting in lieu thereof "subclause v of clause *a*", so that the subsection shall read as follows:

- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under subclause v of clause a of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper.

Maximum
service
charges

- (14) Subsections 6 and 7 of the said section 9 are repealed.

R.S.O. 1960,
c. 137, s. 9,
subss. 6, 7,
repealed

8. Section 10 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 10,
re-enacted

10. Where the Board delegates to a local board any of its powers or vests in a local board powers to promote, regulate and control the marketing of a regulated product, the Board may, at any time,

Limitation
of powers
of local
board

- (a) limit the powers of the local board in any or all respects; and
- (b) revoke any regulation, order or direction of the local board made or purporting to be made under such powers.

9. Section 13 of *The Farm Products Marketing Act* is amended by inserting after "order" in the third line "regulation" and by striking out "or any marketing agency" in the fourth line, so that the section shall read as follows:

R.S.O. 1960,
c. 137, s. 13,
amended

13. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order, regulation or direction of the Board or any local board, or of any agreement or award or re-negotiated agreement or award filed with the Board, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a subsequent offence to a fine of not less than \$50 and not more than \$500.

Offences

10. Section 16 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 137, s. 16,
re-enacted

16. In an action or prosecution under this Act where the production of an agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Board or a local board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Board or the local board, as the case may be, is admissible

Evidence

in evidence as *prima facie* proof of the making and the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it.

R.S.O. 1960,
c. 137,
amended

11. *The Farm Products Marketing Act* is amended by adding thereto the following section:

Interpre-
tation

18.—(1) In this section,

- (a) "local board" means The Ontario Flue-Cured Tobacco Growers' Marketing Board;
- (b) "producing" means planting, growing, harvesting, curing and preparing for sale, and "produced" and "production" have corresponding meanings;
- (c) "tobacco" means unmanufactured flue-cured tobacco produced in Ontario;
- (d) "tobacco acreage" means a number of acres of land fixed and allotted to a person for the producing in any year of tobacco on a tobacco farm; and
- (e) "tobacco farm" means one or more parcels of land in respect of which the Board or the local board determines,
 - (i) the land is suitable for the producing of tobacco, and
 - (ii) the producer has provided such buildings or other structures and equipment as are suitable and adequate for the producing of tobacco,

and in respect of which the Board or the local board, as the case may be, allots a tobacco acreage.

Regulations
re tobacco

(2) The Board may make regulations,

- (a) notwithstanding paragraph 3 of subsection 1 of section 8, providing for the refusal to grant a licence for the producing of tobacco for any reason that the Board deems proper;

(b) providing for,

- (i) the producing of tobacco on a basis of tobacco acreage or other production quota,
- (ii) the fixing and allotting to persons of tobacco acreages or other production quotas on such basis as the Board deems proper,
- (iii) the refusing to fix and allot to any person a tobacco acreage or other production quota for any reason that the Board deems proper, and
- (iv) the reducing of, or the refusing to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the Board deems proper;

(c) prohibiting,

- (i) any person to whom a tobacco acreage or other production quota has not been fixed and allotted from producing tobacco,
- (ii) any person to whom a tobacco acreage or other production quota has been fixed and allotted from producing any tobacco or acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, and
- (iii) any person from producing tobacco on land other than a tobacco farm in respect of which a tobacco acreage or other production quota has been fixed and allotted to such person;

(d) providing for the destroying of any growing tobacco plants or other development in the producing of tobacco, or of tobacco produced in Ontario by any person,

- (i) to whom a tobacco acreage or other production quota has not been fixed and allotted,

- (ii) on acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, or
- (iii) on land other than a tobacco farm in respect of which a tobacco acreage or other production quota has been fixed and allotted to such person.

Regulations
may be
limited

- (3) Any regulation made under this section may be limited as to time and place.

Delegation
of powers to
local board

- (4) The Board may delegate to the local board such of the powers under subsection 2 as it deems necessary and may at any time terminate such delegation.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Farm Products Marketing Amendment Act, 1962-63*.

An Act to amend
The Farm Products Marketing Act

1st Reading

March 18th, 1963

2nd Reading

March 21st, 1963

3rd Reading

April 3rd, 1963

MR. STEWART

BILL 107

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act respecting the National Radio Observatory in the Geographic Township of White in the Territorial District of Nipissing

MR. ROBERTS

EXPLANATORY NOTE

This Bill is self-explanatory.

BILL 107

1962-63

**An Act respecting the National Radio
Observatory in the Geographic Town-
ship of White in the Territorial
District of Nipissing**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The public lands situate in the geographic Township of White in the Territorial District of Nipissing, designated as Locations GT 148, GT 149, GT 150 and GT 151, containing 95.88 acres, more or less, and shown outlined in red on plans and field notes of survey dated the 26th day of September, 1961, the 29th day of September, 1961, the 29th day of September, 1961, and the 26th day of September, 1961, respectively, signed by C. G. Taylor, Ontario Land Surveyor, of record in the Department of Lands and Forests, Ontario, are placed under the administration and control of Her Majesty the Queen in right of Canada for the maintenance and operation of a national radio observatory. Administration and control of observatory lands

2. The public lands mentioned in section 1 shall be used by Her Majesty the Queen in right of Canada, The National Research Council or any agent of either of them only for the maintenance and operation of a national radio observatory, and, upon such public lands being no longer used for the maintenance and operation of a national radio observatory, the administration and control of such public lands shall forthwith revert to Her Majesty the Queen in right of Ontario. Use of lands

3. The public lands mentioned in section 1 remain part of Algonquin Provincial Park and shall continue to be under the control and management of the Minister of Lands and Forests for all purposes other than the administration and control mentioned in section 1. Status of lands

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The National Radio Observatory Act, 1962-63*. Short title

An Act respecting the National Radio
Observatory in the Geographic Town-
ship of White in the Territorial
District of Nipissing

1st Reading

March 19th, 1963

2nd Reading

3rd Reading

MR. ROBERTS

BILL 107

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

**An Act respecting the National Radio Observatory in the
Geographic Township of White in the
Territorial District of Nipissing**

MR. ROBERTS

BILL 107

1962-63

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1st Reading

March 19th, 1963

2nd Reading

March 25th, 1963

3rd Reading

April 26th, 1963

MR. ROBERTS

BILL 108

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act respecting the Kinsmen Club of Kenora

MR. ROBERTS

EXPLANATORY NOTE

Self-explanatory.

BILL 108

1962-63

**An Act respecting
the Kinsmen Club of Kenora**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The letters patent dated the 30th day of March, 1951, ^{Letters patent amended} granting to Kinsmen Club of Kenora the public lands described therein (being composed of the location designated as L.K. 551 lying south of the Township of Haycock between the Trans-Canada Highway and the north shore of Longbow Lake in the Territorial District of Kenora), are amended by striking out the habendum, which reads, "To have and to hold unto the said Kinsmen Club of Kenora as a community camp to be operated on a non-sectarian, non-profit making basis only", and inserting in lieu thereof the condition: "It is a condition of these letters patent that the land shall be used only as a community camp operated on a non-sectarian and non-profit basis".

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Kinsmen Club of Kenora* ^{Short title} Act, 1962-63.

An Act respecting
the Kinsmen Club of Kenora

1st Reading

March 19th, 1963

2nd Reading

3rd Reading

MR. ROBERTS

BILL 108

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

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An Act respecting
the Kinsmen Club of Kenora

1st Reading

March 19th, 1963

2nd Reading

March 25th, 1963

3rd Reading

April 26th, 1963

MR. ROBERTS

BILL 109

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to provide for the Observance and Commemoration of the Centennial of Confederation in Canada

MR. CASS

EXPLANATORY NOTE

Self-explanatory.

BILL 109.

1962-63

An Act to provide for the Observance and Commemoration of the Centennial of Confederation in Canada

WHEREAS the Centennial of the Canadian Confederation of which Ontario was one of the founding provinces will occur on the 1st day of July, 1967;

AND WHEREAS it is desirable that the historic significance of the Centennial should be observed and commemorated in an appropriate manner in co-operation with the National Centennial Administration of Canada under the *National Centennial Act* (Canada) and with the municipalities of Ontario under this Act;

AND WHEREAS it is expedient to enact a measure under which Centennial projects and events may be undertaken and provided for;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Centennial" means the one hundredth anniversary of Confederation in Canada;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "municipality" means a county, city, town, village, township or improvement district.

2.—(1) The Minister, by himself or in co-operation with one or more departments or agencies of the Government of Ontario or with the Government of Canada or one or more agencies thereof or with one or more provinces or muni-

Minister's
powers,
general

palities, may plan and carry out such projects and events as in his opinion are appropriate for the observance or commemoration of the Centennial.

Idem,
grants to
municipalities

(2) The Minister, with the approval of the Lieutenant Governor in Council and in accordance with the regulations, may make grants out of the moneys that are appropriated therefor by the Legislature to any municipality for the cost of any project or event to be undertaken in observance or commemoration of the Centennial.

Powers of
municipalities

(3) Any municipality may make expenditures for, or grants toward, the observance or commemoration of the Centennial and may enter into agreements with the Crown in right of Canada or any one or more agencies thereof, the Crown in right of Ontario or any one or more agencies thereof, any one or more municipalities or with any one or more persons or associations with respect to the observance or commemoration of the Centennial.

Regulations

4. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the terms and conditions upon which and the manner in which grants may be made by the Minister under this Act;
- (b) prescribing the plans and other matters that shall be submitted to the Minister with applications for grants under this Act;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title

5. This Act may be cited as *The Confederation Centennial Act, 1962-63*.



THE UNIVERSITY OF THE CENTRAL
AND SOUTH AMERICAN
RESEARCH INSTITUTE

An Act to provide for the Observance and
Commemoration of the Centennial of
Confederation in Canada

1st Reading

March 19th, 1963

2nd Reading

3rd Reading

Mr. Cass

BILL 109

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

**An Act to provide for the Observance and Commemoration
of the Centennial of Confederation in Canada**

MR. CASS



BILL 109

1962-63

An Act to provide for the Observance and Commemoration of the Centennial of Confederation in Canada

WHEREAS the Centennial of the Canadian Confederation of which Ontario was one of the founding provinces will occur on the 1st day of July, 1967; Preamble

AND WHEREAS it is desirable that the historic significance of the Centennial should be observed and commemorated in an appropriate manner in co-operation with the National Centennial Administration of Canada under the *National Centennial Act* (Canada) and with the municipalities of Ontario under this Act; 1960-61,
c. 60 (Can.)

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Short title

4. This Act may be cited as *The Confederation Centennial Act, 1962-63*.



An Act to provide for the Observance and
Commemoration of the Centennial of
Confederation in Canada

1st Reading

March 19th, 1963

2nd Reading

March 21st, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 110

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

MR. ROBARTS

EXPLANATORY NOTES

This Bill is recommended by the Ontario Committee on Portable Pensions.

SECTION 1—Clause *a*. Self-explanatory.

Clauses *b* and *c*. The definitions of "employee" and "eligible employee" are of particular importance with reference to the provisions of section 17 (1) (*a*) and (*b*). To qualify as an "employee" a person must work in Ontario for one employer for an average work week of at least 20 hours over a period of not less than six consecutive months. He will also qualify as an "eligible employee" if he has attained the age of 30 years and has not attained the age of 70 years and if he is a member of a mandatory group as defined in clause *f*.

It is intended that, after an employee has qualified under the 6-month service and 20-hour rules, he shall be required to become a member of the pension plan covering his mandatory group. If he then remains in service as an employee for a further period of 12 months, his pension benefit credits will accrue from the date upon which he became a member of the pension plan.

Clause *d*. Self-explanatory.

BILL 110

1962-63

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Pension Commission of Ontario;
- (b) "eligible employee" means an employee who has attained the age of thirty years but who has not attained the age of seventy years and who is a member of a mandatory group, but does not include an employee engaged in excepted employment as prescribed by the regulations, and "eligible employment" means employment as an eligible employee;
- (c) "employee" means an individual who performs in Ontario service on a full-time basis for a continuous period of not less than six months in any period of twelve months, under a contract of service or of apprenticeship, and includes an officer of a corporation, and "service on a full-time basis" means employment for an average work week of twenty hours or more throughout such continuous period of not less than six months;
- (d) "employer" means,
 - (i) in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario from whom the employee receives his remuneration, and

- (ii) in relation to a mandatory group, a person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario who employs a mandatory group,

and includes Her Majesty in right of Canada, Her Majesty in right of Ontario, an agent of Her Majesty or a municipality as defined in *The Department of Municipal Affairs Act*;

- (e) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;

- (f) "mandatory group" means a group of fifteen or more employees,

- (i) employed by the same employer or by two or more employers who do not deal with each other at arm's length or who would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*, or

- (ii) employed by a trade association or other group of employers with which the employees have entered into a master contract governing rates of pay and conditions of work,

and "non-mandatory group" means a group of fewer than fifteen employees who are so employed;

- (g) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

- (h) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an eligible employee will become entitled at retirement age under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an eligible employee has become irrevocably entitled;

Clause *e*. Self-explanatory.

Clause *f*. In determining the number of members of a group of employees all employees as defined are counted. A mandatory group may have fewer than 15 eligible employees.

The "arm's length" rule is intended to prevent the splitting of employee groups among related corporations.

Subclause ii will, for example, bring under the Act employees employed by a group of employers with whom the employees have entered into a collective bargaining agreement.

Clause *g*. Self-explanatory.

Clause *h*. The expression "pension benefit" refers to the periodic pension receivable by an employee at retirement age under the pension plan. The employee may be entitled to a lesser pension in the case of early retirement, but the lesser pension would be the actuarial equivalent of the normal pension at normal retirement.

The term "pension benefit credit" is the value of the pension benefit and the subsidiary death benefit that is "portable" by an employee when he moves from one employer to another or retires prior to the retirement age permitted under the terms of the pension plan. Sections 17 and 18 provide for the portability of pension benefit credits for both standard and supplementary pension plans.

Clause *i*. The types of pension plan described in this clause and section 17 (1) (*c*) are alternative plans under any one or more of which a pension benefit may be provided.

Clauses *j*, *k*, *l* and *m*. Self-explanatory.

Clause *n*. Most existing pension plans provide for pension benefits greater than the minimum pension benefits required to be provided by a standard pension plan under the Act. This definition therefore refers to a pension plan or part thereof in order to avoid the splitting of existing pension plans for registration purposes. See section 14 (9) (*a*).

Clause *o*. Self-explanatory.

Clause *p*. A supplementary pension plan may be part of a registered plan that provides standard pension benefits, and the part of the plan that provides for the payment of supplementary pension benefits constitutes a supplementary pension plan.

- (i) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,
 - (i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,
 - (ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,
 - (iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and
 - (iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53a of *The Corporations Tax Act*; ^{R.S.O. 1960, c. 73}
- (j) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with Part III of this Act;
- (k) "regulations" means the regulations made under this Act;
- (l) "remuneration" means basic or regular salary or wages, and commissions;
- (m) "single life annuity" means an annuity that continues only for the duration of the life of the annuitant;
- (n) "standard pension plan" means all or that part of a registered pension plan that provides for payments of the pension benefits and any other benefits required to be provided by subsection 1 of section 17;
- (o) "Superintendent" means the Superintendent of Pensions; and
- (p) "supplementary pension plan" means all or that part of a registered pension plan that provides pension benefits and any other benefits for all or any

members of a mandatory group apart from or in addition to the pension benefits and any other benefits provided for the same mandatory group by a standard pension plan.

PART I

PENSION COMMISSION

Pension
Commission
established

2.—(1) The Pension Commission of Ontario is hereby established and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines.

Appoint-
ments

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Re-
appointment

(3) Every member of the Commission is eligible for re-appointment upon the completion of his term of office.

Acting
chairman

3. In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman.

Vacancies

4. The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission.

Quorum

5. One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission.

Terms of
employment

6. (1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff.

R.S.O. 1960,
c. 332,
applicable

(2) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council.

Security

(3) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1960,
o. 326

SECTIONS 2, 3, 4, 5 and 6. Self-explanatory.

SECTION 7—Subsection 1. Clauses *a* and *b*. Self-explanatory.

Clause *c*. The Commission is empowered to disqualify a registered pension plan under the Act if the plan is not maintained in sound financial condition in accordance with the rules prescribed by the regulations, or if the plan is amended in contravention of the rules prescribed by, for example, sections 17, 18 and 19.

Clause *d*. Self-explanatory.

Clause *e*. The Commission will assess fees for registration and supervision of pension plans as permitted by the regulations.

Clause *f*. Self-explanatory.

Clause *g*. Self-explanatory.

Subsection 2. The enactment of uniform pension legislation by all provinces will permit interprovincial reciprocity. Subsection 2 provides for agreements under which portable pension credits may follow an employee from one province to another.

SECTIONS 8, 9, 10 and 11 (1). Self-explanatory.

7.—(1) It is the function of the Commission and it has ^{Function and powers of Commission} power,

- (a) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (b) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;
- (c) to administer and enforce this Act, and to withdraw pension plan certificates of registration issued in respect of pension plans that,
 - (i) fail to meet the tests for solvency prescribed by the regulations, or
 - (ii) otherwise cease to qualify for registration under this Act;
- (d) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;
- (e) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans as prescribed by the regulations;
- (f) if deemed advisable, to establish or to support the establishment of an insurance fund for the purpose of underwriting pension fund deficiencies arising because of the insolvency of pension funds; and
- (g) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, enter into agreements with the authorized representatives of other provinces and of the Government of Canada to provide for the reciprocal payment and receipt of amounts as pension benefit credits for the account of employees who change their place of employment and for the reciprocal audit and inspection of pension plans. ^{Reciprocal agreements}

8.—(1) The Commission shall appoint the Superintendent ^{Superintendent of Pensions} of Pensions who shall be the chief administrative officer of the Commission.

Adminis-
trative
divisions

(2) The Commission may establish such administrative divisions as appear to be appropriate from time to time.

Appropriations

9. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause *e* of subsection 1 of section 7 and fines imposed under section 22 and retained by the Commission, shall be paid out of the Consolidated Revenue Fund during the fiscal year 1963-64, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Audit

10. The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates.

Annual
report

11.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister.

Advisory
Review
Committee

(2) The Lieutenant Governor in Council shall, in 1970 and at intervals of five years thereafter, appoint a committee of not fewer than five members, to be known as the Advisory Review Committee, to advise and assist the Minister by reporting to him its recommendations for amendments to this Act and to the regulations.

Tabling
of reports

(3) The Minister shall submit the annual report and the report of the Advisory Review Committee to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session.

Conflict

12. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

PART II

CENTRAL PENSION AGENCY

Central
Pension
Agency

13. The Lieutenant Governor in Council may establish or designate an agency known as the Central Pension Agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act.

PART III

REGISTRATION OF PENSION PLANS

Registration
of pension
plans

14.—(1) Every employer of a mandatory group shall,

(a) on or before the 1st day of January, 1964, file with the Commission an information return in the pre-

SECTION 11—Subsection 2. The Advisory Review Committee is established to permit the appointment of qualified representatives of interested groups, such as labour and industry, to advise the Minister with respect to the administration of the Act and with respect to recommended amendments.

Subsection 3. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13. It is contemplated that a Central Pension Agency will be established or designated by the Lieutenant Governor in Council. Its chief role will be to assemble accumulations that are too small in themselves to give rise to significant pensions, and in due course the Agency may turn the accumulations over to a vendor of annuities when they have reached a significant size. In addition to accepting small sums, the Central Pension Agency may handle or otherwise concern itself with the assets of non-insured plans or organizations that have gone out of existence.

SECTION 14—Subsection 1. Clause *a* will enable the Commission to obtain full information concerning existing pension plans. Clause *b* requires the establishment and registration of standard pension plans for all mandatory groups of employees in Ontario on or before January 1, 1965. Clause *c* requires the maintenance of all registered standard pension plans and their continued qualification under the Act on and after January 1, 1965.

Subsection 2. The establishment of supplementary pension plans is permissive. All such plans established must, however, be registered with the Commission and, while in force, be maintained in compliance with the rules prescribed by sections 18 and 19 of the Act.

Subsection 3. This subsection deals with new employers and new mandatory groups established after January 1, 1965.

scribed form in respect of every pension plan administered by or on behalf of the employer or the mandatory group at any time on or after the 1st day of January, 1961, together with a copy of every such plan;

- (b) establish a standard pension plan to become effective on or before the 1st day of January, 1965, by amendment of any pre-existing pension plan or by establishing a new plan, and file a copy of the standard pension plan with the Commission for registration on or before the 1st day of July, 1964, or as soon thereafter as the Commission requires; and
 - (c) on and after the 1st day of January, 1965, maintain the registered standard pension plan in force as a pension plan qualified for registration under sections 17 and 19.
- (2) Every employer of a mandatory group covered by a supplementary pension plan shall,
- (a) file the supplementary pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and
 - (b) on and after the 1st day of January, 1965, while the registered supplementary pension plan remains in force, maintain its qualification for registration as required by sections 18 and 19.
- (3) Where an employer was not the employer of a mandatory group on or before the 1st day of January, 1965, he shall, within six months after becoming the employer of a mandatory group,
- (a) establish a standard pension plan and file the plan with the Commission for registration;
 - (b) maintain the registered standard pension plan in force as a pension plan qualified under sections 17 and 19 for registration; and
 - (c) file for registration any supplementary pension plan established for the mandatory group, and while such plan remains in force maintain its qualification for registration as required by sections 18 and 19.

Pension
plans of
trade unions

(4) Every employer of a mandatory group shall, where the registered standard pension plan is a plan organized and administered by or on behalf of a trade union or by an organization representing a trade union and an employer, cause the plan to be maintained in force as a pension plan qualified under sections 17 and 19 for registration or, where the plan is not so maintained in force, comply with subsection 1 or 3, as the case may be, as if he were the employer of a mandatory group established immediately after the plan ceased to be so maintained in force.

Filing of
non-
mandatory
plan

(5) Every employer of a non-mandatory group covered by a pension plan shall,

- (a) on or before the 1st day of January, 1964, file with the Commission an information return in the prescribed form in respect of every pension plan administered by or on behalf of the employer or the group at any time on or after the 1st day of January, 1961; and
- (b) on and after the 1st day of January, 1965, maintain the solvency of every such pension plan as required by the regulations.

Solvency
of non-
mandatory
plan

(6) Every employer of a non-mandatory group who establishes a pension plan shall,

- (a) file with the Commission within sixty days after establishment of the plan an information return in the prescribed form; and
- (b) on and after the 1st day of January, 1965, maintain the solvency of such plan as required by the regulations.

When group
ceases to be
mandatory

(7) Notwithstanding subsection 1, an employer of a mandatory group that becomes a non-mandatory group because of a reduction in the number of its members is not required, after the group has ceased to be a mandatory group for a continuous period of one year, to maintain in force a standard pension plan.

Election to
register non-
mandatory
plan

(8) On or after the 1st day of January, 1965,

- (a) every employer of a non-mandatory group may elect to register the pension plan maintained by him for his employees, and in the event of such election the group shall be deemed to be a mandatory group under this Act, and the provisions of this Act applicable to a mandatory group shall apply to such group; and

Subsection 4. Existing pension plans administered by trade unions or by an organization representing a trade union and an employer may qualify for registration under the Act. Subsection 4 provides for the replacement of any registered trade union plan that does not continue to qualify for registration.

Subsections 5 and 6. Pension plans established for non-mandatory groups are not required to be registered, but they must file information returns with the Commission and maintain the standards of solvency required by the regulations.

Subsections 7 and 8. Where the number of employees who are members of a group drops below 15, continued maintenance of a standard pension plan is no longer required. An employer of a non-mandatory group may, however, elect to register the pension plan established for his employees as if they constituted a mandatory group.

Subsections 9 and 10. Self-explanatory.

SECTION 15. Self-explanatory.

SECTION 16. This saving clause relieves penalties in a case in which failure to register a pension plan is caused by delay for which the employer is not responsible. The report of the Superintendent will be a relevant document in the case of an appeal to the Court of Appeal. See sections 24, 25.

- (b) an employer may revoke his election at any time more than two years after the date of making the election, and in the event of such revocation the election ceases to be effective one year after the date of revocation.

(9) For the purpose of this section,

Combining
standard
and supple-
mentary
plans

- (a) a standard pension plan and a supplementary pension plan may be combined for the purpose of registration; and
- (b) a standard pension plan may be included as part of a profit sharing plan or as part of a deferred profit sharing pension plan.

(10) Every employer of a group covered by a pension plan shall file with the Commission annually, on or before the 31st day of March, an information return in the form prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the group.

Annual
returns

15. The Commission shall accept for registration and issue its certificate in respect of,

Acceptance
of plans for
registration

- (a) each standard pension plan filed for registration under subsection 1 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 17 and 19;
- (b) each supplementary pension plan filed for registration under subsection 2 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 18 and 19; and
- (c) each plan filed for registration under subsection 8 of section 14.

16. After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with Part III, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has advised the employer of its decision concerning registration of the plan by registered mail and thirty days have elapsed thereafter.

Procedure
upon refusal
to register

17.—(1) A standard pension plan filed for registration as required or permitted by section 14 shall, on and after the 1st day of January, 1965,

- (a) require each eligible employee to become a member of the plan;
- (b) provide, in the case of each eligible employee who has been a member of the plan for not less than twelve months, for the accrual of pension benefit credits from a time not later than the date upon which the eligible employee became a member of the plan;
- (c) provide for the payment to each eligible employee of a pension benefit, commencing not later than age seventy years, based upon contributions to or under the plan in respect of eligible employment on and after the 1st day of January, 1965, and calculated as the actuarial equivalent of a single life annuity commencing at age seventy years,

- (i) of a monthly amount of one-half of 1 per cent of the monthly remuneration for each year of eligible employment, applied to the remuneration earned up to \$400 per month,
 - (ii) derived from a total contribution of, in the case of an employee who has attained the age of

30 years.....	1½%
45 years.....	2%
55 years.....	3%

of the first \$400 of remuneration per month, together with interest at an annual rate of not less than 4 per cent, or

- (iii) of a monthly amount of \$2 for each year of eligible employment;
 - (d) provide a death benefit, payable in the event of the death of an employee before the commencement of the payment of his pension benefits to his personal representative or to a beneficiary he has designated, of an amount equal to the employee's contributions to the pension plan together with interest at an annual rate of not less than 3 per cent or to such other benefit of at least equal value;

SECTION 17—Subsection 1. Clauses *a* and *b*. Every qualified employee must become a member of a standard pension plan after 6 months' service, and the plan must so provide. Portable pension benefits will accrue from the date of entry into the plan, provided the minimum service requirement of 12 months is satisfied.

Clause *c*. This clause prescribes the pension benefits required to be provided by a standard pension plan. The established minimum benefits must commence not later than age 70 and are calculated as the actuarial equivalent of a single life annuity commencing at age 70 in an amount specified by subclauses i to iii for the types of pensions therein set out.

Clause *d*. This clause provides that, in the event of death of an employee prior to retirement, the employee's personal representative or beneficiary will be entitled to a death benefit in an amount equal to his contributions to the plan, together with interest at an annual rate of not less than 3 per cent or at least an equivalent benefit, such as a death benefit to his widow, if the plan so provides.

Clauses *e* and *f*. These clauses provide for vesting of standard pension benefit credits and for preservation and portability or transfer of those credits. The amount standing to the credit of an eligible employee may, according to the terms of the pension plan, provide for the immediate purchase of a deferred annuity upon termination of employment, the "cold storage" of the employee's credits, or the transfer of the credits to the Central Pension Agency, to a retirement savings plan approved by the Superintendent or to the standard pension plan covering the mandatory group of which the employee becomes a member when he takes new employment.

Clause *g*. This clause provides for the "locking in" of employee contributions to a standard pension plan. The pension benefit credit that must be made available by the pension plan at termination of employment is provided by the aggregate of vested employer contributions and employee contributions locked in under this clause.

Clause *h*. This clause provides that the pension benefits prescribed by clause *c* and the deferred annuity prescribed by clause *e* are not capable of surrender, commutation, assignment or alienation.

Subsection 2. This subsection allows the recovery by the employer from his eligible employees by deduction from remuneration payable to such employees of an amount not exceeding 50 per cent of the pro rata share attributable to the employee of the aggregate yearly cost of either a unit benefit plan or a flat rate plan. In the case of a money purchase plan, the employer may recover 50 per cent of the contributions made for an employee who is under age 55 or that part of the contribution made for an employee who is age 55 or older in excess of 1 per cent of the first \$400 of remuneration earned each month.

- (e) provide that, upon termination of his employment prior to retirement, an eligible employee is, subject to clause *f*, entitled to a deferred life annuity that is equal to those portions of the annuity prescribed by clause *c* and of the death benefit prescribed by clause *d* for which contributions were made in respect of eligible employment on and after the 1st day of January, 1965;
- (f) provide that, where an eligible employee terminates his employment, a deferred life annuity prescribed by clause *e* shall be provided for the employee by,
 - (i) the purchase of such annuity upon termination of employment,
 - (ii) a contractual undertaking by his employer to pay or to purchase such annuity upon attainment of retirement age by the employee, or
 - (iii) the transfer of the pension benefit credit required to provide such annuity to the Central Pension Agency or to the standard pension plan of which the employee becomes a member upon entering into new employment or to a retirement savings plan approved by the Superintendent,

as determined under the terms of the plan;

- (g) provide that contributions made by each employee to the plan after the 1st day of January, 1965, and after the employee has attained the age of thirty years may not be withdrawn upon termination of employment; and
- (h) provide that both the pension benefit prescribed by clause *c* and the deferred life annuity prescribed by clause *e* are for the employee's own use and benefit and are not capable of surrender, commutation, assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefit or the deferred annuity capable of being surrendered, commuted, assigned or otherwise alienated.

(2) Subject to subsection 3, the employer may recover by deduction from remuneration payable to an eligible employee a portion of the cost of establishing and maintaining in force a standard pension plan, but such portion may not exceed, ^{Cost sharing}

(a) in the case of a unit benefit plan or a flat rate plan, 50 per cent of the pro rata share attributable to the employee of the aggregate yearly cost of the plan; and

(b) in the case of a money purchase plan,

(i) 50 per cent of the contributions made for an employee who is under age fifty-five years, or

(ii) that part of the contribution made for an employee who is age fifty-five years or older in excess of 1 per cent of the first \$400 of remuneration earned each month.

Restriction
on cost
sharing

(3) An employer shall not be entitled to deduct any amount from remuneration payable to eligible employees in excess of the amount so deductible in accordance with the terms of an agreement between the employer and such employees.

Payment
to Central
Pension
Agency

(4) Notwithstanding clause *f* of subsection 1, the Superintendent may require payment of a pension benefit credit derived from a standard pension plan to the Central Pension Agency or to the standard pension plan of which an employee becomes a member upon entering into new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the life annuity prescribed by clause *e* of subsection 1 upon attainment of retirement age by the employee.

Exception
regarding
membership
in standard
plans

(5) Notwithstanding subsection 1, an employee who becomes a member of a mandatory group after he has attained the age of sixty-five years is not required to become a member of the standard pension plan covering the mandatory group.

Vesting
requirement
for supple-
mentary
pension plan

18.—(1) A supplementary pension plan filed for registration as required or permitted by section 14 shall provide that,

(a) after a member of the plan has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years, he is entitled, upon termination of his employment prior to his attaining retirement age, to a deferred life annuity equal to the portion of the pension benefits provided under the terms of the plan in respect of service on or after the 1st day of January, 1965;

Subsection 3. The right of an employer to deduct a portion of the cost of establishing and maintaining a standard pension plan is withdrawn to the extent that such deduction is contrary to the provisions of an employer-employee agreement, such as a bargaining agreement.

Subsection 4. The Superintendent is empowered to require either the transfer of a pension benefit credit or the "cold storage" or purchase of pension benefit notwithstanding clause *f* of subsection 1.

Subsection 5. An employee who becomes a member of a mandatory group when over the age of 65 is not required to become a member of the standard pension plan covering such group.

SECTION 18—Subsection 1. Clause *a*. Pension benefit credits arising from employer contributions under a supplementary pension plan are irrevocably vested for the credit of an employee after he has attained the age of 45 years and has been in service for a continuous period of at least 10 years. This vesting rule does not apply to employer contributions made prior to 1965.

Clause *b*. This clause provides that both the pension benefits under a supplementary plan and the deferred life annuity prescribed by section 18 are not capable of assignment or alienation.

Clause *c*. This clause provides that the deferred life annuity prescribed by section 18 is not capable of surrender or commutation.

Subsection 2. Required employee contributions to or under a supplementary pension plan after 1964 are "locked in" when the employment terminates after the employee is 45 years old and has been employed by the employer for at least 10 consecutive years and who is entitled to a deferred life annuity under subsection 1. On the other hand, voluntary employee contributions may be withdrawn by the employee when his employment is terminated notwithstanding the prior vesting under subsection 2.

An employee who terminates his employment prior to the age of 45 years or before attaining 10 years' service has no vested supplementary pension rights under this Act and may withdraw his own contributions to the supplementary pension plan in full.

Subsection 3. This provision permits a supplementary pension plan to provide for the withdrawal by an employee in partial discharge of his rights under the plan of a lump sum upon termination of employment prior to retirement not exceeding 25 per cent of the commuted value of the deferred life annuity prescribed by section 18.

Subsection 4. Because there is no mandatory restriction on cash withdrawal on termination of employment other than the restriction provided by subsection 2, this subsection enables an employee to direct transfer of the contributions he may be required to withdraw upon termination of employment to the Central Pension Agency or to the plan of his new employer. Such contributions may include voluntary contributions, contributions made by the employee prior to the 1st day of January, 1965, and contributions made by an employee who terminates his employment before attaining the age of 45 years and serving for 10 years.

Subsection 5. When an employee is entitled to a deferred life annuity after he has satisfied the double standard provided in clause *a* of subsection 1 and thereafter terminates his employment, this provision empowers the Superintendent to require payment of the value of such annuity to the Central Pension Agency or to the pension plan of the employee's new employer or alternatively to require the former employer to keep the pension benefit in "cold storage" until the employee reaches retirement age and at that time to pay or purchase the annuity.

- (b) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are for the employee's own use and benefit and are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred annuity capable of being assigned or otherwise alienated; and
- (c) the deferred life annuity prescribed by this section is not capable of surrender or commutation and does not confer upon any employee, personal representative or dependent, or any other person, any right or interest in the deferred annuity capable of being surrendered and commuted.

(2) Upon termination of the employment of an employee who has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years and who is entitled to a deferred life annuity under clause *a* of subsection 1, the employee is not entitled to withdraw any part of the contributions he has been required to make to or under the plan on or after the 1st day of January, 1965, and such contributions shall be applied under the terms of the plan for the provision of a deferred life annuity as part of or as supplementary to the annuity, if any, required to be provided to the employee under clause *a* of subsection 1. Locking
in of
employee
contributions

(3) Notwithstanding subsections 1 and 2, where a supplementary pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum upon termination of employment prior to retirement an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by this section. Exception

(4) Where an employee terminates his employment and is required by the terms of a supplementary pension plan to withdraw all or part of the contributions made by him, the employee may direct that his contributions be transferred to the Central Pension Agency or to a supplementary pension plan of which he becomes a member upon entering into new employment if that plan so permits. Transfer of
contributions

(5) The Superintendent may require the transfer of the pension benefit credit necessary to provide the deferred life annuity to which an employee is entitled under clause *a* of subsection 1 to the Central Pension Agency or to the pension Transfer of
pension
benefit
credit

plan of which such employee becomes a member upon entering new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the annuity prescribed by clause *a* of subsection 1 upon attainment of retirement age by the employee.

Funding and
solvency of
registered
pension
plans

19. A pension plan filed for registration as required or permitted by section 14 shall provide for,

- (a) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits or deferred life annuities required to be paid under the terms of the plan; and
- (b) a written explanation to each eligible employee of the terms and conditions of the pension plan and amendments thereto applicable to the mandatory group of which the employee is a member, together with an explanation in prescribed form of the rights and duties of the employee with reference to the benefits available to him under the terms of the pension plan.

Regulations

20. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

- (a) respecting methods of computing pension benefit credits and the pension benefits arising therefrom, and the commuted value of a deferred life annuity;
- (b) respecting the integration of pension benefits with benefits payable under the *Old Age Security Act* (Canada);
- (c) determining the proportions of contributions by employers and employees to pension plans that are attributable to a standard pension plan;
- (d) prescribing tests and standards for solvency of pension plans;
- (e) defining the conditions under which the Superintendent may require an employer to pay or credit an amount to the Central Pension Agency;
- (f) prescribing the conditions under which pension benefit credits may be retained by the administrator, insurer or trustee of a pension plan, or transferred

R.S.C. 1952,
c. 200

SECTION 19. This section governs all registered pension plans.

SECTION 20—Clause *a*. Methods of determining at a particular time the current value of the pension benefit to which an employee is entitled differ according to the type of pension plan, and will be prescribed by regulations as will methods of determining the commuted value of a deferred life annuity.

Clause *b*. In the case of persons retiring before age 70, this clause will enable the Lieutenant Governor in Council to make regulations providing for a step-rate pension to integrate with the pension payable under the *Old Age Security Act* (Canada).

Clause *c*. This clause will enable the Lieutenant Governor in Council to make regulations to prevent abuses arising from unreasonable allocations of employer and employee contributions between standard and supplementary pension plans.

Clause *d*. Funding requirements are to be prescribed by regulation, both for new plans providing pension coverage in respect of eligible employment after the year 1964 and for old plans in existence prior to 1965. The wide variation of conditions of solvency among different pension plans requires the prescription of tests for solvency by regulation in order to achieve flexibility and maintain equity.

Clause *e*. The regulations made pursuant to this clause will take into account special circumstances arising in the case of insolvent or bankrupt pension funds.

Clause *f*. Self-explanatory.

Clause *g*. Self-explanatory.

Clause *h*. Complementary to section 7 (1) (*f*).

Clauses *i, j* and *k*. Self-explanatory.

SECTION 21. Self-explanatory.

SECTION 22—Subsections 1, 2 and 3. The enforcement provisions of the Act are directed toward the establishment and maintenance of solvent pension funds for the provision of standard pension benefits. All fines recovered are made available to further this statutory purpose.

to the administrator, insurer or trustee of another pension plan upon termination of employment of an eligible employee;

- (g) designating employees or pension plans or any class thereof that are excepted from the application of the Act and the regulations;
- (h) defining the conditions under which the Commission may participate in the organization and administration of the insurance fund described in clause *f* of subsection 1 of section 7, and fixing premiums which shall be payable to such fund by an employer or other person;
- (i) requiring the furnishing of information in respect of pension plans, and prescribing forms and providing for their use;
- (j) prescribing fees for registration and the annual supervision of pension plans;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

21. The Commission is not liable for any act or omission ^{Saving} of any trustee, insurer or administrator of a pension plan, or for or in respect of any default or breach of contract on the part of an employee or of any trustee, insurer or administrator of a pension plan.

PART IV

ADMINISTRATION, ENFORCEMENT AND APPEAL

22.—(1) Every employer who contravenes section 14 is ^{Penalties} guilty of an offence and on summary conviction is liable to a fine for each day of default equal to not more than the daily amount required to be paid to maintain a registered pension plan for his employees plus not more than \$100 per day.

(2) Every person who contravenes any other provision of ^{Idem} this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both.

**Disposition
of fines**

(3) The fines recovered for offences against this Act shall be paid to the Commission, and fines imposed under subsection 1 may be paid by the Commission to the Central Pension Agency for the credit of the eligible employees of the payer.

Inspection

(4) The Superintendent or his duly authorized representative may, at any reasonable time,

- (a) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and
- (b) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

**Actions for
deducting
sums**

(5) No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act.

**Agreements
void**

(6) Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void.

Evidence

23.—(1) No member of the Commission and no employee thereof shall be required to give testimony without the consent of the Commission in any civil action in which the Commission is not a party with regard to information obtained in the discharge of his duties.

**Liability of
members and
employees of
Commission**

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations.

**Notice of
objection**

24.—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, the employer may, within ninety days from the day of mailing of a notification of refusal of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

Subsections 4, 5 and 6. Self-explanatory.

SECTION 23. Self-explanatory.

SECTIONS 24, 25 and 26. Procedure is established for appeals to the Court of Appeal in the event of a dispute concerning the qualification of a pension plan for registration.

SECTION 27. To protect the confidential character of many pension plans, provision is made for hearings *in camera*.

SECTION 28. Self-explanatory.

(3) Upon receipt of a notice of objection, the Commission shall with all due dispatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. ^{Review by Commission}

25. Where an employer has served a notice of objection under section 24, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act, ^{Appeal}

(a) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or

(b) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

26.—(1) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court. ^{Filing of notice of appeal}

(2) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. ^{Transmission to Superintendent}

(3) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. ^{Transmission of material}

27. An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. ^{Hearings in camera}

28.—(1) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. ^{Disposition of appeals}

(2) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. ^{Executing decision of Court}

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

30. This Act may be cited as *The Pension Benefits Act*, 1962-63. ^{Short title}

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

1st Reading

March 19th, 1963

2nd Reading

3rd Reading

MR. ROBARTS

BILL 110

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

MR. ROBARTS

*(Reprinted a second time for consideration by the Committee of
the Whole House)*

EXPLANATORY NOTES

This Bill is recommended by the Ontario Committee on Portable Pensions.

SECTION 1—Clause *a*. Self-explanatory.

Clauses *b* and *c*. The definitions of "employee" and "eligible employee" are of particular importance with reference to the provisions of section 17 (1) (*a*) and (*b*). To qualify as an "employee" a person must work in Ontario for one employer for an average work week of at least 20 hours over a period of not less than six consecutive months. He will also qualify as an "eligible employee" if he has attained the age of 30 years and has not attained the age of 70 years and if he is a member of a mandatory group as defined in clause *f*.

It is intended that, after an employee has qualified under the 6-month service and 20-hour rules, he shall be required to become a member of the pension plan covering his mandatory group. If he then remains in service as an employee for a further period of 12 months, his pension benefit credits will accrue from the date upon which he became a member of the pension plan.

Clause *d*. Self-explanatory.

BILL 110

1962-63

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Pension Commission of Ontario;
- (b) "eligible employee" means an employee who has attained the age of thirty years but who has not attained the age of seventy years and who is a member of a mandatory group, but does not include an employee engaged in excepted employment as prescribed by the regulations, and "eligible employment" means employment as an eligible employee;
- (c) "employee" means an individual who performs in Ontario service on a full-time basis for a continuous period of not less than six months, under a contract of service or of apprenticeship, and includes an officer of a corporation, and "service on a full-time basis" means employment for an average work week of twenty-four hours or more throughout such continuous period of not less than six months;
- (d) "employer" means,
 - (i) in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario from whom the employee receives his remuneration, and

- (ii) in relation to a mandatory group, a person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario who employs a mandatory group,

and includes Her Majesty in right of Ontario, an agent of Her Majesty or a municipality as defined in *The Department of Municipal Affairs Act*;

R.S.O. 1960,
c. 98

- (e) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;

- (f) "mandatory group" means a group of fifteen or more employees,

- (i) employed by the same employer or by two or more employers who do not deal with each other at arm's length or who would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*, or

R.S.O. 1960,
c. 73

- (ii) employed by a trade association or other group of employers with which the employees have entered into a master contract governing rates of pay and conditions of work,

and "non-mandatory group" means a group of fewer than fifteen employees who are so employed;

- (g) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

- (h) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an eligible employee will become entitled at retirement age under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an eligible employee has become irrevocably entitled;

Clause *e*. Self-explanatory.

Clause *f*. In determining the number of members of a group of employees all employees as defined are counted. A mandatory group may have fewer than 15 eligible employees.

The "arm's length" rule is intended to prevent the splitting of employee groups among related corporations.

Subclause ii will, for example, bring under the Act employees employed by a group of employers with whom the employees have entered into a collective bargaining agreement.

Clause *g*. Self-explanatory.

Clause *h*. The expression "pension benefit" refers to the periodic pension receivable by an employee at retirement age under the pension plan. The employee may be entitled to a lesser pension in the case of early retirement, but the lesser pension would be the actuarial equivalent of the normal pension at normal retirement.

The term "pension benefit credit" is the value of the pension benefit and the subsidiary death benefit that is "portable" by an employee when he moves from one employer to another or retires prior to the retirement age permitted under the terms of the pension plan. Sections 17 and 18 provide for the portability of pension benefit credits for both standard and supplementary pension plans.

Clause *i*. The types of pension plan described in this clause and section 17 (1) (c) are alternative plans under any one or more of which a pension benefit may be provided.

Clauses *j*, *k*, *l* and *m*. Self-explanatory.

Clause *n*. Most existing pension plans provide for pension benefits greater than the minimum pension benefits required to be provided by a standard pension plan under the Act. This definition therefore refers to a pension plan or part thereof in order to avoid the splitting of existing pension plans for registration purposes. See section 14 (9) (a).

Clause *o*. Self-explanatory.

Clause *p*. A supplementary pension plan may be part of a registered plan that provides standard pension benefits, and the part of the plan that provides for the payment of supplementary pension benefits constitutes a supplementary pension plan.

- (i) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,
 - (i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,
 - (ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,
 - (iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and
 - (iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53a of *The Corporations Tax Act*, ^{R.S.O. 1960, c. 73}
- (j) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with Part III of this Act;
- (k) "regulations" means the regulations made under this Act;
- (l) "remuneration" means basic or regular salary or wages, and commissions;
- (m) "single life annuity" means an annuity that continues only for the duration of the life of the annuitant;
- (n) "standard pension plan" means all or that part of a registered pension plan that provides for payments of the pension benefits and any other benefits required to be provided by subsection 1 of section 17;
- (o) "Superintendent" means the Superintendent of Pensions; and
- (p) "supplementary pension plan" means all or that part of a registered pension plan that provides pension benefits and any other benefits for all or any

members of a mandatory group apart from or in addition to the pension benefits and any other benefits provided for the same mandatory group by a standard pension plan.

PART I

PENSION COMMISSION

Pension
Commission
established

2.—(1) The Pension Commission of Ontario is hereby established and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines.

Appoint-
ments

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Re-
appointment

(3) Every member of the Commission is eligible for re-appointment upon the completion of his term of office.

Acting
chairman

3. In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman.

Vacancies

4. The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission.

Quorum

5. One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission.

Terms of
employment

6.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff.

R.S.O. 1960,
c. 332,
applicable

(2) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council.

Security

(3) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1960,
c. 326

SECTIONS 2, 3, 4, 5 and 6. Self-explanatory.

SECTION 7—Subsection 1. Clauses *a* and *b*. Self-explanatory.

Clause *c*. The Commission is empowered to disqualify a registered pension plan under the Act if the plan is not maintained in sound financial condition in accordance with the rules prescribed by the regulations, or if the plan is amended in contravention of the rules prescribed by, for example, sections 17, 18 and 19.

Clause *d*. Self-explanatory.

Clause *e*. The Commission will assess fees for registration and supervision of pension plans as permitted by the regulations.

Clause *f*. Self-explanatory.

Clause *g*. Self-explanatory.

Subsection 2. The enactment of uniform pension legislation by all provinces will permit interprovincial reciprocity. Subsection 2 provides for agreements under which portable pension credits may follow an employee from one province to another.

SECTIONS 8, 9, 10 and 11 (1). Self-explanatory.

7.—(1) It is the function of the Commission and it has ^{Function and powers of Commission} power,

- (a) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (b) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;
- (c) to administer and enforce this Act, and to withdraw pension plan certificates of registration issued in respect of pension plans that,
 - (i) fail to meet the tests for solvency prescribed by the regulations, or
 - (ii) otherwise cease to qualify for registration under this Act;
- (d) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;
- (e) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans as prescribed by the regulations;
- (f) if deemed advisable, to establish or to support the establishment of an insurance fund for the purpose of underwriting pension fund deficiencies arising because of the insolvency of pension funds; and
- (g) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, enter into agreements with the authorized representatives of other provinces and of the Government of Canada to provide for the reciprocal payment and receipt of amounts as pension benefit credits for the account of employees who change their place of employment and for the reciprocal audit and inspection of pension plans. ^{Reciprocal agreements}

8.—(1) The Commission shall appoint the Superintendent of Pensions who shall be the chief administrative officer of the Commission. ^{Superintendent of Pensions}

Adminis-
trative
divisions

(2) The Commission may establish such administrative divisions as appear to be appropriate from time to time.

Appropriations

9. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause e of subsection 1 of section 7 and fines imposed under section 22 and retained by the Commission, shall be paid out of the Consolidated Revenue Fund during the fiscal year 1963-64, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Audit

10. The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates.

Annual
report

11.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister.

Advisory
Review
Committee

(2) The Lieutenant Governor in Council shall, in 1970 and at intervals of five years thereafter, appoint a committee of not fewer than five members, to be known as the Advisory Review Committee, to advise and assist the Minister by reporting to him its recommendations for amendments to this Act and to the regulations.

Tabling
of reports

(3) The Minister shall submit the annual report and the report of the Advisory Review Committee to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session.

Conflict

12. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

PART II

CENTRAL PENSION AGENCY

Central
Pension
Agency

13. The Lieutenant Governor in Council may establish or designate an agency known as the Central Pension Agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act.

PART III

REGISTRATION OF PENSION PLANS

Registration
of pension
plans

14.—(1) Every employer of a mandatory group shall,

(a) on or before the 1st day of January, 1964, file with the Commission an information return in the pre-

SECTION 11—Subsection 2. The Advisory Review Committee is established to permit the appointment of qualified representatives of interested groups, such as labour and industry, to advise the Minister with respect to the administration of the Act and with respect to recommended amendments.

Subsection 3. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13. It is contemplated that a Central Pension Agency will be established or designated by the Lieutenant Governor in Council. Its chief role will be to assemble accumulations that are too small in themselves to give rise to significant pensions, and in due course the Agency may turn the accumulations over to a vendor of annuities when they have reached a significant size. In addition to accepting small sums, the Central Pension Agency may handle or otherwise concern itself with the assets of non-insured plans or organizations that have gone out of existence.

SECTION 14—Subsection 1. Clause *a* will enable the Commission to obtain full information concerning existing pension plans. Clause *b* requires the establishment and registration of standard pension plans for all mandatory groups of employees in Ontario on or before January 1, 1965. Clause *c* requires the maintenance of all registered standard pension plans and their continued qualification under the Act on and after January 1, 1965.

Subsection 2. The establishment of supplementary pension plans is permissive. All such plans established must, however, be registered with the Commission and, while in force, be maintained in compliance with the rules prescribed by sections 18 and 19 of the Act.

Subsection 3. This subsection deals with new employers and new mandatory groups established after January 1, 1965.

scribed form in respect of every pension plan administered by or on behalf of the employer or the mandatory group at any time on or after the 1st day of January, 1961, together with a copy of every such plan;

(b) establish a standard pension plan to become effective on or before the 1st day of January, 1965, by amendment of any pre-existing pension plan or by establishing a new plan, and file a copy of the standard pension plan with the Commission for registration on or before the 1st day of July, 1964, or as soon thereafter as the Commission requires; and

(c) on and after the 1st day of January, 1965, maintain the registered standard pension plan in force as a pension plan qualified for registration under sections 17 and 19.

(2) Every employer of a mandatory group covered by a ^{Supplementary} pension plan shall,

(a) file the supplementary pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and

(b) on and after the 1st day of January, 1965, while the registered supplementary pension plan remains in force, maintain its qualification for registration as required by sections 18 and 19.

(3) Where an employer was not the employer of a mandatory group on or before the 1st day of January, 1965, he shall, ^{Employer of mandatory group after Jan. 1, 1965} within six months after becoming the employer of a mandatory group,

(a) establish a standard pension plan and file the plan with the Commission for registration;

(b) maintain the registered standard pension plan in force as a pension plan qualified under sections 17 and 19 for registration; and

(c) file for registration any supplementary pension plan established for the mandatory group, and while such plan remains in force maintain its qualification for registration as required by sections 18 and 19.

Subsections 9 and 10. Self-explanatory.

SECTION 15. Self-explanatory.

SECTION 16. This saving clause relieves penalties in a case in which failure to register a pension plan is caused by delay for which the employer is not responsible. The report of the Superintendent will be a relevant document in the case of an appeal to the Court of Appeal. See sections 24, 25.

- (b) an employer may revoke his election at any time more than two years after the date of making the election, and in the event of such revocation the election ceases to be effective one year after the date of revocation.

(9) For the purpose of this section,

Combining plans

- (a) a standard pension plan may form part of a profit sharing plan or part of a deferred profit sharing pension plan; and
- (b) a standard pension plan and a supplementary pension plan may be combined for the purpose of registration.

(10) Every employer of a group covered by a pension plan shall file with the Commission annually, on or before the 31st day of March, an information return in the form prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the group.

Annual returns

15. The Commission shall accept for registration and issue its certificate in respect of,

Acceptance of plans for registration

- (a) each standard pension plan filed for registration under subsection 1 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 17 and 19;
- (b) each supplementary pension plan filed for registration under subsection 2 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 18 and 19; and
- (c) each plan filed for registration under subsection 8 of section 14.

16. After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with Part III, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has advised the employer of its decision concerning registration of the plan by registered mail and thirty days have elapsed thereafter.

Procedure upon refusal to register

17.—(1) A standard pension plan filed for registration as required or permitted by section 14 shall, on and after the 1st day of January, 1965,

- (a) require each eligible employee to become a member of the plan;
- (b) provide, in the case of each eligible employee who has been a member of the plan for not less than twelve months, for the accrual of pension benefit credits from a time not later than the date upon which the eligible employee became a member of the plan;
- (c) provide for the payment to each eligible employee of a pension benefit, commencing not later than age seventy years, based upon contributions to or under the plan in respect of eligible employment on and after the 1st day of January, 1965, and calculated as the actuarial equivalent of a single life annuity commencing at age seventy years,

- (i) of a monthly amount of one-half of 1 per cent of the monthly remuneration for each year of eligible employment, applied to the remuneration earned up to \$400 per month,
- (ii) derived from a total contribution of, in the case of an employee who has attained the age of

30 years.....	1½%
45 years.....	2%
55 years.....	3%

of the first \$400 of remuneration per month, together with interest at an annual rate of not less than 4 per cent or not less than such other rate as is prescribed by the regulations,
or

- (iii) of a monthly amount of \$2 for each year of eligible employment;
- (d) provide a death benefit, payable in the event of the death of an employee before the commencement of the payment of his pension benefits to his personal representative or to a beneficiary he has designated, of an amount equal to the employee's contributions to the pension plan together with interest at an annual rate of not less than 3 per cent or to such other benefit of at least equal value;

SECTION 17—Subsection 1. Clauses *a* and *b*. Every qualified employee must become a member of a standard pension plan after 6 months' service, and the plan must so provide. Portable pension benefits will accrue from the date of entry into the plan, provided the minimum service requirement of 12 months is satisfied.

Clause *c*. This clause prescribes the pension benefits required to be provided by a standard pension plan. The established minimum benefits must commence not later than age 70 and are calculated as the actuarial equivalent of a single life annuity commencing at age 70 in an amount specified by subclauses i to iii for the types of pensions therein set out.

Clause *d*. This clause provides that, in the event of death of an employee prior to retirement, the employee's personal representative or beneficiary will be entitled to a death benefit in an amount equal to his contributions to the plan, together with interest at an annual rate of not less than 3 per cent or at least an equivalent benefit, such as a death benefit to his widow, if the plan so provides.

Clauses *e* and *f*. These clauses provide for vesting of standard pension benefit credits and for preservation and portability or transfer of those credits. The amount standing to the credit of an eligible employee may, according to the terms of the pension plan, provide for the immediate purchase of a deferred annuity upon termination of employment, the "cold storage" of the employee's credits, or the transfer of the credits to the Central Pension Agency, to a retirement savings plan approved by the Superintendent or to the standard pension plan covering the mandatory group of which the employee becomes a member when he takes new employment.

Clause *g*. This clause provides for the "locking in" of employee contributions to a standard pension plan. The pension benefit credit that must be made available by the pension plan at termination of employment is provided by the aggregate of vested employer contributions and employee contributions locked in under this clause.

Clause *h*. This clause provides that the pension benefits prescribed by clause *c* and the deferred annuity prescribed by clause *e* are not capable of surrender, commutation, assignment or alienation.

Subsection 2. This subsection allows the recovery by the employer from his eligible employees by deduction from remuneration payable to such employees of an amount not exceeding 50 per cent of the pro rata share attributable to the employee of the aggregate yearly cost of either a unit benefit plan or a flat rate plan. In the case of a money purchase plan, the employer may recover 50 per cent of the contributions made for an employee who is under age 55 or that part of the contribution made for an employee who is age 55 or older in excess of 1 per cent of the first \$400 of remuneration earned each month.

- (e) provide that, upon termination of his employment prior to retirement, an eligible employee is, subject to clause *f*, entitled to a deferred life annuity that is equal to those portions of the annuity prescribed by clause *c* and of the death benefit prescribed by clause *d* for which contributions were made in respect of eligible employment on and after the 1st day of January, 1965;
- (f) provide that, where an eligible employee terminates his employment, a deferred life annuity prescribed by clause *e* shall be provided for the employee by,
 - (i) the purchase of such annuity upon termination of employment,
 - (ii) a contractual undertaking by his employer to pay or to purchase such annuity upon attainment of retirement age by the employee, or
 - (iii) the transfer of the pension benefit credit required to provide such annuity to the Central Pension Agency or to the standard pension plan of which the employee becomes a member upon entering into new employment or to a retirement savings plan approved by the Superintendent,

as determined under the terms of the plan;

- (g) provide that contributions made by each employee to the plan after the 1st day of January, 1965, and after the employee has attained the age of thirty years may not be withdrawn upon termination of employment; and
- (h) provide that both the pension benefit prescribed by clause *c* and the deferred life annuity prescribed by clause *e* are for the employee's own use and benefit and are not capable of surrender, commutation, assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefit or the deferred annuity capable of being surrendered, commuted, assigned or otherwise alienated.

(2) Subject to subsection 3, the employer may recover by ^{Cost}deduction from remuneration payable to an eligible employee a portion of the cost of establishing and maintaining in force a standard pension plan, but such portion may not exceed, ^{sharing}

(a) in the case of a unit benefit plan or a flat rate plan, 50 per cent of the pro rata share attributable to the employee of the aggregate cost of the plan for the year or for such other period as the Commission approves; and

(b) in the case of a money purchase plan,

(i) 50 per cent of the contributions made for an employee who is under age fifty-five years, or

(ii) that part of the contribution made for an employee who is age fifty-five years or older in excess of 1 per cent of the first \$400 of remuneration earned each month.

Different
cost-sharing
formula

(3) If an agreement made between an employer and his employees or between an employer and an authorized representative of his employees in effect on the day this Act came into force and in effect on or after the 1st day of January, 1965, provides a formula different from the formula described in subsection 2 for sharing the cost of maintaining in force a pension plan that becomes in whole or in part a standard pension plan, the terms of such agreement shall govern during its duration.

Idem

(4) If the terms of an agreement, other than an agreement to which subsection 3 applies, authorize an employer to recover from remuneration payable to an eligible employee a portion of the cost of establishing and maintaining in force a standard pension plan larger than that described in subsection 2, the employer is not entitled to recover any portion of such cost in excess of that described in subsection 2.

Payment
to Central
Pension
Agency

(5) Notwithstanding clause *f* of subsection 1, the Superintendent may require payment of a pension benefit credit derived from a standard pension plan to the Central Pension Agency or to the standard pension plan of which an employee becomes a member upon entering into new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the life annuity prescribed by clause *e* of subsection 1 upon attainment of retirement age by the employee.

Exception
regarding
membership
in standard
plans

(6) Notwithstanding subsection 1, an employee who becomes a member of a mandatory group after he has attained the age of sixty-five years is not required to become a member of the standard pension plan covering the mandatory group.

Where
more than
one plan

(7) Notwithstanding clause *a* of subsection 1, where more than one standard pension plan is established and maintained by an employer, an eligible employee of such employer

Subsection 5. The Superintendent is empowered to require either the transfer of a pension benefit credit or the "cold storage" or purchase of pension benefit notwithstanding clause *f* of subsection 1.

Subsection 6. An employee who becomes a member of a mandatory group when over the age of 65 is not required to become a member of the standard pension plan covering such group.

SECTION 18—Subsection 1. Clause *a*. Pension benefit credits arising from employer contributions under a supplementary pension plan are irrevocably vested for the credit of an employee after he has attained the age of 45 years and has been in service for a continuous period of at least 10 years. This vesting rule does not apply to employer contributions made prior to 1965.

Clause *b*. This clause provides that both the pension benefits under a supplementary plan and the deferred life annuity prescribed by section 18 are not capable of assignment or alienation.

Clause *c*. This clause provides that the deferred life annuity prescribed by section 18 is not capable of surrender or commutation.

Subsection 2. Required employee contributions to or under a supplementary pension plan after 1964 are "locked in" when the employment terminates after the employee is 45 years old and has been employed by the employer for at least 10 consecutive years and who is entitled to a deferred life annuity under subsection 1. On the other hand, voluntary employee contributions may be withdrawn by the employee when his employment is terminated notwithstanding the prior vesting under subsection 2.

An employee who terminates his employment prior to the age of 45 years or before attaining 10 years' service has no vested supplementary pension rights under this Act and may withdraw his own contributions to the supplementary pension plan in full.

Subsection 3. This provision permits a supplementary pension plan to provide for the withdrawal by an employee in partial discharge of his rights under the plan of a lump sum upon termination of employment prior to retirement not exceeding 25 per cent of the commuted value of the deferred life annuity prescribed by section 18.

shall be required to become a member of only one of such plans.

18.—(1) A supplementary pension plan filed for registration as required or permitted by section 14 shall provide that,

Vesting
requirement
for supplementary
pension plan

(a) after a member of the plan has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years, he is entitled, upon termination of his employment prior to his attaining retirement age, to a deferred life annuity equal to the portion of the pension benefits provided under the terms of the plan in respect of service on or after the 1st day of January, 1965;

(b) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are for the employee's own use and benefit and are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred annuity capable of being assigned or otherwise alienated; and

(c) the deferred life annuity prescribed by this section is not capable of surrender or commutation and does not confer upon any employee, personal representative or dependent, or any other person, any right or interest in the deferred annuity capable of being surrendered and commuted.

(2) Upon termination of the employment of an employee who has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years and who is entitled to a deferred life annuity under clause *a* of subsection 1, the employee is not entitled to withdraw any part of the contributions he has been required to make to or under the plan on or after the 1st day of January, 1965, and such contributions shall be applied under the terms of the plan for the provision of a deferred life annuity as part of or as supplementary to the annuity, if any, required to be provided to the employee under clause *a* of subsection 1.

Locking
in of
employee
contributions

(3) Notwithstanding subsections 1 and 2, where a supplementary pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum upon termination of employment prior to retirement an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by this section.

Exception

Transfer of
contributions

(4) Where an employee terminates his employment and is required by the terms of a supplementary pension plan to withdraw all or part of the contributions made by him, the employee may direct that his contributions be transferred to the Central Pension Agency or to a supplementary pension plan of which he becomes a member upon entering into new employment if that plan so permits.

Transfer of
pension
benefit
credit

(5) The Superintendent may require the transfer of the pension benefit credit necessary to provide the deferred life annuity to which an employee is entitled under clause *a* of subsection 1 to the Central Pension Agency or to the pension plan of which such employee becomes a member upon entering new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the annuity prescribed by clause *a* of subsection 1 upon attainment of retirement age by the employee.

Funding and
solvency of
registered
pension
plans

19. A pension plan filed for registration as required or permitted by section 14 shall provide for,

- (a) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits or deferred life annuities required to be paid under the terms of the plan; and
- (b) a written explanation to each eligible employee of the terms and conditions of the pension plan and amendments thereto applicable to the mandatory group of which the employee is a member, together with an explanation in prescribed form of the rights and duties of the employee with reference to the benefits available to him under the terms of the pension plan.

Regulations

20. The Lieutenant Governor in Council may make regulations,

- (a) respecting methods of computing pension benefit credits and the pension benefits arising therefrom, and the commuted value of a deferred life annuity;
- (b) respecting the integration of pension benefits with benefits payable under the *Old Age Security Act* (Canada);
- (c) determining the proportions of contributions by employers and employees to pension plans that are attributable to a standard pension plan;
- (d) prescribing tests and standards for solvency of pension plans;

R.S.C. 1952,
c. 200

Subsection 4. Because there is no mandatory restriction on cash withdrawal on termination of employment other than the restriction provided by subsection 2, this subsection enables an employee to direct transfer of the contributions he may be required to withdraw upon termination of employment to the Central Pension Agency or to the plan of his new employer. Such contributions may include voluntary contributions, contributions made by the employee prior to the 1st day of January, 1965, and contributions made by an employee who terminates his employment before attaining the age of 45 years and serving for 10 years.

Subsection 5. When an employee is entitled to a deferred life annuity after he has satisfied the double standard provided in clause *a* of subsection 1 and thereafter terminates his employment, this provision empowers the Superintendent to require payment of the value of such annuity to the Central Pension Agency or to the pension plan of the employee's new employer or alternatively to require the former employer to keep the pension benefit in "cold storage" until the employee reaches retirement age and at that time to pay or purchase the annuity.

SECTION 19. This section governs all registered pension plans.

SECTION 20—Clause *a*. Methods of determining at a particular time the current value of the pension benefit to which an employee is entitled differ according to the type of pension plan, and will be prescribed by regulations as will methods of determining the commuted value of a deferred life annuity.

Clause *b*. In the case of persons retiring before age 70, this clause will enable the Lieutenant Governor in Council to make regulations providing for a step-rate pension to integrate with the pension payable under the *Old Age Security Act* (Canada).

Clause *c*. This clause will enable the Lieutenant Governor in Council to make regulations to prevent abuses arising from unreasonable allocations of employer and employee contributions between standard and supplementary pension plans.

Clause *d*. Funding requirements are to be prescribed by regulation, both for new plans providing pension coverage in respect of eligible employment after the year 1964 and for old plans in existence prior to 1965. The wide variation of conditions of solvency among different pension plans requires the prescription of tests for solvency by regulation in order to achieve flexibility and maintain equity.

Clause *e*. The regulations made pursuant to this clause will take into account special circumstances arising in the case of insolvent or bankrupt pension funds.

Clause *f*. Self-explanatory.

Clause *g*. Self-explanatory.

Clause *h*. Complementary to section 7 (1) (*f*).

Clauses *i*, *j* and *k*. Self-explanatory.

SECTION 21. Self-explanatory.

SECTION 22—Subsections 1, 2 and 3. The enforcement provisions of the Act are directed toward the establishment and maintenance of solvent pension funds for the provision of standard pension benefits. All fines recovered are made available to further this statutory purpose.

- (e) defining the conditions under which the Superintendent may require an employer to pay or credit an amount to the Central Pension Agency;
- (f) prescribing the conditions under which pension benefit credits may be retained by the administrator, insurer or trustee of a pension plan, or transferred to the administrator, insurer or trustee of another pension plan upon termination of employment of an eligible employee;
- (g) designating employees or pension plans or any class thereof that are excepted from the application of the Act and the regulations;
- (h) defining the conditions under which the Commission may participate in the organization and administration of the insurance fund described in clause f of subsection 1 of section 7, and fixing premiums which shall be payable to such fund by an employer or other person;
- (i) requiring the furnishing of information in respect of pension plans, and prescribing forms and providing for their use;
- (j) prescribing fees for registration and the annual supervision of pension plans;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

21. The Commission is not liable for any act or omission ^{Saving} of any trustee, insurer or administrator of a pension plan, or for or in respect of any default or breach of contract on the part of an employee or of any trustee, insurer or administrator of a pension plan.

PART IV

ADMINISTRATION, ENFORCEMENT AND APPEAL

22.—(1) Every employer who contravenes section 14 is ^{Penalties} guilty of an offence and on summary conviction is liable to a fine for each day of default equal to not more than the daily amount required to be paid to maintain a registered pension plan for his employees plus not more than \$100 per day.

(2) Every person who contravenes any other provision of ^{Idem} this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000 or to

imprisonment for a term of not more than six months, or to both.

**Disposition
of fines**

(3) The fines recovered for offences against this Act shall be paid to the Commission, and fines imposed under subsection 1 may be paid by the Commission to the Central Pension Agency for the credit of the eligible employees of the payer.

Inspection

(4) The Superintendent or his duly authorized representative may, at any reasonable time,

- (a) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and
- (b) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

**Actions for
deducting
sums**

(5) No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act.

**Agreements
void**

(6) Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void.

Evidence

23.—(1) No member of the Commission and no employee thereof shall be required to give testimony without the consent of the Commission in any civil action in which the Commission is not a party with regard to information obtained in the discharge of his duties.

**Liability of
members and
employees of
Commission**

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations.

**Notice of
objection**

24.—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, the employer may, within ninety days from the day of mailing of a notification of refusal of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

Subsections 4, 5 and 6. Self-explanatory.

SECTION 23. Self-explanatory.

SECTIONS 24, 25 and 26. Procedure is established for appeals to the Court of Appeal in the event of a dispute concerning the qualification of a pension plan for registration.

SECTION 27. To protect the confidential character of many pension plans, provision is made for hearings *in camera*.

SECTION 28. Self-explanatory.

(3) Upon receipt of a notice of objection, the Commission shall with all due dispatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. ^{Review by Commission}

25. Where an employer has served a notice of objection under section 24, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act, ^{Appeal}

- (a) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or
- (b) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

26.—(1) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court. ^{Filing of notice of appeal}

(2) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. ^{Transmission to Superintendent}

(3) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. ^{Transmission of material}

27. An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. ^{Hearings in camera}

28.—(1) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. ^{Disposition of appeals}

(2) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. ^{Executing decision of Court}

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

30. This Act may be cited as *The Pension Benefits Act*, ^{Short title} 1962-63.

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

1st Reading

March 19th, 1963

2nd Reading

March 22nd, 1963

3rd Reading

MR. ROBARTS

*(Reprinted a second time for consideration
by the Committee of the Whole House)*

BILL 110

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

MR. ROBARTS

BILL 110

1962-63

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "Commission" means the Pension Commission of Ontario;
- (b) "eligible employee" means an employee who has attained the age of thirty years but who has not attained the age of seventy years and who is a member of a mandatory group, but does not include an employee engaged in excepted employment as prescribed by the regulations, and "eligible employment" means employment as an eligible employee;
- (c) "employee" means an individual who performs in Ontario service on a full-time basis for a continuous period of not less than six months, under a contract of service or of apprenticeship, and includes an officer of a corporation, and "service on a full-time basis" means employment for an average work week of twenty-four hours or more throughout such continuous period of not less than six months;
- (d) "employer" means,
 - (i) in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario from whom the employee receives his remuneration, and

- (ii) in relation to a mandatory group, a person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario who employs a mandatory group,

and includes Her Majesty in right of Ontario, an agent of Her Majesty or a municipality as defined in *The Department of Municipal Affairs Act*;

R.S.O. 1960,
c. 98

- (e) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;

- (f) "mandatory group" means a group of fifteen or more employees,

- (i) employed by the same employer or by two or more employers who do not deal with each other at arm's length or who would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*, or

R.S.O. 1960,
c. 73

- (ii) employed by a trade association or other group of employers with which the employees have entered into a master contract governing rates of pay and conditions of work,

and "non-mandatory group" means a group of fewer than fifteen employees who are so employed;

- (g) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

- (h) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an eligible employee will become entitled at retirement age under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an eligible employee has become irrevocably entitled;

- (i) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,
 - (i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,
 - (ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,
 - (iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and
 - (iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53a of *The Corporations Tax Act*; ^{R.S.O. 1960, c. 73}
- (j) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with Part III of this Act;
- (k) "regulations" means the regulations made under this Act;
- (l) "remuneration" means basic or regular salary or wages, and commissions;
- (m) "single life annuity" means an annuity that continues only for the duration of the life of the annuitant;
- (n) "standard pension plan" means all or that part of a registered pension plan that provides for payments of the pension benefits and any other benefits required to be provided by subsection 1 of section 17;
- (o) "Superintendent" means the Superintendent of Pensions; and
- (p) "supplementary pension plan" means all or that part of a registered pension plan that provides pension benefits and any other benefits for all or any

members of a mandatory group apart from or in addition to the pension benefits and any other benefits provided for the same mandatory group by a standard pension plan.

PART I

PENSION COMMISSION

Pension
Commission
established

2.—(1) The Pension Commission of Ontario is hereby established and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines.

Appoint-
ments

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Re-
appointment

(3) Every member of the Commission is eligible for re-appointment upon the completion of his term of office.

Acting
chairman

3. In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman.

Vacancies

4. The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission.

Quorum

5. One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission.

Terms of
employment

6.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff.

R.S.O. 1960,
c. 332,
applicable

(2) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council.

Security

(3) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1960,
c. 326

7.—(1) It is the function of the Commission and it has ^{Function and powers of Commission} power,

- (a) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (b) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;
- (c) to administer and enforce this Act, and to withdraw pension plan certificates of registration issued in respect of pension plans that,
 - (i) fail to meet the tests for solvency prescribed by the regulations, or
 - (ii) otherwise cease to qualify for registration under this Act;
- (d) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;
- (e) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans as prescribed by the regulations;
- (f) if deemed advisable, to establish or to support the establishment of an insurance fund for the purpose of underwriting pension fund deficiencies arising because of the insolvency of pension funds; and
- (g) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

(2) The Commission may, subject to the approval of the ^{Reciprocal agreements} Lieutenant Governor in Council, enter into agreements with the authorized representatives of other provinces and of the Government of Canada to provide for the reciprocal payment and receipt of amounts as pension benefit credits for the account of employees who change their place of employment and for the reciprocal audit and inspection of pension plans.

8.—(1) The Commission shall appoint the Superintendent ^{Superintendent of Pensions} of Pensions who shall be the chief administrative officer of the Commission.

Adminis-
trative
divisions

(2) The Commission may establish such administrative divisions as appear to be appropriate from time to time.

Appropriations

9. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause e of subsection 1 of section 7 and fines imposed under section 22 and retained by the Commission, shall be paid out of the Consolidated Revenue Fund during the fiscal year 1963-64, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Audit

10. The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates.

Annual
report

11.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister.

Advisory
Review
Committee

(2) The Lieutenant Governor in Council shall, in 1970 and at intervals of five years thereafter, appoint a committee of not fewer than five members, to be known as the Advisory Review Committee, to advise and assist the Minister by reporting to him its recommendations for amendments to this Act and to the regulations.

Tabling
of reports

(3) The Minister shall submit the annual report and the report of the Advisory Review Committee to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session.

Conflict

12. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

PART II

CENTRAL PENSION AGENCY

Central
Pension
Agency

13. The Lieutenant Governor in Council may establish or designate an agency known as the Central Pension Agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act.

PART III

REGISTRATION OF PENSION PLANS

Registration
of pension
plans

14.—(1) Every employer of a mandatory group shall,

(a) on or before the 1st day of January, 1964, file with the Commission an information return in the pre-

scribed form in respect of every pension plan administered by or on behalf of the employer or the mandatory group at any time on or after the 1st day of January, 1961, together with a copy of every such plan;

- (b) establish a standard pension plan to become effective on or before the 1st day of January, 1965, by amendment of any pre-existing pension plan or by establishing a new plan, and file a copy of the standard pension plan with the Commission for registration on or before the 1st day of July, 1964, or as soon thereafter as the Commission requires; and
- (c) on and after the 1st day of January, 1965, maintain the registered standard pension plan in force as a pension plan qualified for registration under sections 17 and 19.

(2) Every employer of a mandatory group covered by a supplementary pension plan shall,

Supplementary
pension
plan

- (a) file the supplementary pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and
- (b) on and after the 1st day of January, 1965, while the registered supplementary pension plan remains in force, maintain its qualification for registration as required by sections 18 and 19.

(3) Where an employer was not the employer of a mandatory group on or before the 1st day of January, 1965, he shall, within six months after becoming the employer of a mandatory group,

Employer of
mandatory
group after
Jan. 1, 1965

- (a) establish a standard pension plan and file the plan with the Commission for registration;
- (b) maintain the registered standard pension plan in force as a pension plan qualified under sections 17 and 19 for registration; and
- (c) file for registration any supplementary pension plan established for the mandatory group, and while such plan remains in force maintain its qualification for registration as required by sections 18 and 19.

Pension
plans of
trade unions

(4) Every employer of a mandatory group shall, where the registered standard pension plan is a plan organized and administered by or on behalf of a trade union or by an organization representing a trade union and an employer, cause the plan to be maintained in force as a pension plan qualified under sections 17 and 19 for registration or, where the plan is not so maintained in force, comply with subsection 1 or 3, as the case may be, as if he were the employer of a mandatory group established immediately after the plan ceased to be so maintained in force.

Filing of
non-
mandatory
plan

(5) Every employer of a non-mandatory group covered by a pension plan shall,

- (a) on or before the 1st day of January, 1964, file with the Commission an information return in the prescribed form in respect of every pension plan administered by or on behalf of the employer or the group at any time on or after the 1st day of January, 1961; and
- (b) on and after the 1st day of January, 1965, maintain the solvency of every such pension plan as required by the regulations.

Solvency
of non-
mandatory
plan

(6) Every employer of a non-mandatory group who establishes a pension plan shall,

- (a) file with the Commission within sixty days after establishment of the plan an information return in the prescribed form; and
- (b) on and after the 1st day of January, 1965, maintain the solvency of such plan as required by the regulations.

When group
ceases to be
mandatory

(7) Notwithstanding subsection 1, an employer of a mandatory group that becomes a non-mandatory group because of a reduction in the number of its members is not required, after the group has ceased to be a mandatory group for a continuous period of one year, to maintain in force a standard pension plan.

Election to
register non-
mandatory
plan

(8) On or after the 1st day of January, 1965,

- (a) every employer of a non-mandatory group may elect to register the pension plan maintained by him for his employees, and in the event of such election the group shall be deemed to be a mandatory group under this Act, and the provisions of this Act applicable to a mandatory group shall apply to such group; and

- (b) an employer may revoke his election at any time more than two years after the date of making the election, and in the event of such revocation the election ceases to be effective one year after the date of revocation.

(9) For the purpose of this section,

Combining
plans

- (a) a standard pension plan may form part of a profit sharing plan or part of a deferred profit sharing pension plan; and
- (b) a standard pension plan and a supplementary pension plan may be combined for the purpose of registration.

(10) Every employer of a group covered by a pension plan shall file with the Commission annually, on or before the 31st day of March, an information return in the form prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the group.

Annual
returns

15. The Commission shall accept for registration and issue its certificate in respect of,

Acceptance
of plans for
registration

- (a) each standard pension plan filed for registration under subsection 1 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 17 and 19;
- (b) each supplementary pension plan filed for registration under subsection 2 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 18 and 19; and
- (c) each plan filed for registration under subsection 8 of section 14.

16. After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with Part III, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has advised the employer of its decision concerning registration of the plan by registered mail and thirty days have elapsed thereafter.

Procedure
upon refusal
to register

Minimum
terms and
conditions
of standard
pension
plans

17.—(1) A standard pension plan filed for registration as required or permitted by section 14 shall, on and after the 1st day of January, 1965,

- (a) require each eligible employee to become a member of the plan;
- (b) provide, in the case of each eligible employee who has been a member of the plan for not less than twelve months, for the accrual of pension benefit credits from a time not later than the date upon which the eligible employee became a member of the plan;
- (c) provide for the payment to each eligible employee of a pension benefit, commencing not later than age seventy years, based upon contributions to or under the plan in respect of eligible employment on and after the 1st day of January, 1965, and calculated as the actuarial equivalent of a single life annuity commencing at age seventy years,
 - (i) of a monthly amount of one-half of 1 per cent of the monthly remuneration for each year of eligible employment, applied to the remuneration earned up to \$400 per month,
 - (ii) derived from a total contribution of, in the case of an employee who has attained the age of

30 years.....	1½%
45 years.....	2%
55 years.....	3%

 of the first \$400 of remuneration per month, together with interest at an annual rate of not less than 4 per cent or not less than such other rate as is prescribed by the regulations, or
 - (iii) of a monthly amount of \$2 for each year of eligible employment;
- (d) provide a death benefit, payable in the event of the death of an employee before the commencement of the payment of his pension benefits to his personal representative or to a beneficiary he has designated, of an amount equal to the employee's contributions to the pension plan together with interest at an annual rate of not less than 3 per cent or to such other benefit of at least equal value;

- (e) provide that, upon termination of his employment prior to retirement, an eligible employee is, subject to clause *f*, entitled to a deferred life annuity that is equal to those portions of the annuity prescribed by clause *c* and of the death benefit prescribed by clause *d* for which contributions were made in respect of eligible employment on and after the 1st day of January, 1965;
- (f) provide that, where an eligible employee terminates his employment, a deferred life annuity prescribed by clause *e* shall be provided for the employee by,
 - (i) the purchase of such annuity upon termination of employment,
 - (ii) a contractual undertaking by his employer to pay or to purchase such annuity upon attainment of retirement age by the employee, or
 - (iii) the transfer of the pension benefit credit required to provide such annuity to the Central Pension Agency or to the standard pension plan of which the employee becomes a member upon entering into new employment or to a retirement savings plan approved by the Superintendent,

as determined under the terms of the plan;

- (g) provide that contributions made by each employee to the plan after the 1st day of January, 1965, and after the employee has attained the age of thirty years may not be withdrawn upon termination of employment; and
- (h) provide that both the pension benefit prescribed by clause *c* and the deferred life annuity prescribed by clause *e* are for the employee's own use and benefit and are not capable of surrender, commutation, assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefit or the deferred annuity capable of being surrendered, commuted, assigned or otherwise alienated.

(2) Subject to subsection 3, the employer may recover by ^{Cost}deduction from remuneration payable to an eligible employee _{sharing} a portion of the cost of establishing and maintaining in force a standard pension plan, but such portion may not exceed,

(a) in the case of a unit benefit plan or a flat rate plan, 50 per cent of the pro rata share attributable to the employee of the aggregate cost of the plan for the year or for such other period as the Commission approves; and

(b) in the case of a money purchase plan,

(i) 50 per cent of the contributions made for an employee who is under age fifty-five years, or

(ii) that part of the contribution made for an employee who is age fifty-five years or older in excess of 1 per cent of the first \$400 of remuneration earned each month.

Different
cost-sharing
formula

(3) If an agreement made between an employer and his employees or between an employer and an authorized representative of his employees in effect on the day this Act came into force and in effect on or after the 1st day of January, 1965, provides a formula different from the formula described in subsection 2 for sharing the cost of maintaining in force a pension plan that becomes in whole or in part a standard pension plan, the terms of such agreement shall govern during its duration.

Idem

(4) If the terms of an agreement, other than an agreement to which subsection 3 applies, authorize an employer to recover from remuneration payable to an eligible employee a portion of the cost of establishing and maintaining in force a standard pension plan larger than that described in subsection 2, the employer is not entitled to recover any portion of such cost in excess of that described in subsection 2.

Payment
to Central
Pension
Agency

(5) Notwithstanding clause *f* of subsection 1, the Superintendent may require payment of a pension benefit credit derived from a standard pension plan to the Central Pension Agency or to the standard pension plan of which an employee becomes a member upon entering into new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the life annuity prescribed by clause *e* of subsection 1 upon attainment of retirement age by the employee.

Exception
regarding
membership
in standard
plans

(6) Notwithstanding subsection 1, an employee who becomes a member of a mandatory group after he has attained the age of sixty-five years is not required to become a member of the standard pension plan covering the mandatory group.

Where
more than
one plan

(7) Notwithstanding clause *a* of subsection 1, where more than one standard pension plan is established and maintained by an employer, an eligible employee of such employer

shall be required to become a member of only one of such plans.

18.—(1) A supplementary pension plan filed for registration as required or permitted by section 14 shall provide that, ^{Vesting requirement for supplementary pension plan}

(a) after a member of the plan has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years, he is entitled, upon termination of his employment prior to his attaining retirement age, to a deferred life annuity equal to the portion of the pension benefits provided under the terms of the plan in respect of service on or after the 1st day of January, 1965;

(b) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are for the employee's own use and benefit and are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred annuity capable of being assigned or otherwise alienated; and

(c) the deferred life annuity prescribed by this section is not capable of surrender or commutation and does not confer upon any employee, personal representative or dependent, or any other person, any right or interest in the deferred annuity capable of being surrendered and commuted.

(2) Upon termination of the employment of an employee who has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years and who is entitled to a deferred life annuity under clause *a* of subsection 1, the employee is not entitled to withdraw any part of the contributions he has been required to make to or under the plan on or after the 1st day of January, 1965, and such contributions shall be applied under the terms of the plan for the provision of a deferred life annuity as part of or as supplementary to the annuity, if any, required to be provided to the employee under clause *a* of subsection 1. ^{Looking in of employee contributions}

(3) Notwithstanding subsections 1 and 2, where a supplementary pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum upon termination of employment prior to retirement an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by this section. ^{Exception}

Transfer of
contributions

(4) Where an employee terminates his employment and is required by the terms of a supplementary pension plan to withdraw all or part of the contributions made by him, the employee may direct that his contributions be transferred to the Central Pension Agency or to a supplementary pension plan of which he becomes a member upon entering into new employment if that plan so permits.

Transfer of
pension
benefit
credit

(5) The Superintendent may require the transfer of the pension benefit credit necessary to provide the deferred life annuity to which an employee is entitled under clause *a* of subsection 1 to the Central Pension Agency or to the pension plan of which such employee becomes a member upon entering new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the annuity prescribed by clause *a* of subsection 1 upon attainment of retirement age by the employee.

Funding and
solvency of
registered
pension
plans

19. A pension plan filed for registration as required or permitted by section 14 shall provide for,

- (a) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits or deferred life annuities required to be paid under the terms of the plan; and
- (b) a written explanation to each eligible employee of the terms and conditions of the pension plan and amendments thereto applicable to the mandatory group of which the employee is a member, together with an explanation in prescribed form of the rights and duties of the employee with reference to the benefits available to him under the terms of the pension plan.

Regulations

20. The Lieutenant Governor in Council may make regulations,

- (a) respecting methods of computing pension benefit credits and the pension benefits arising therefrom, and the commuted value of a deferred life annuity;
- (b) respecting the integration of pension benefits with benefits payable under the *Old Age Security Act* (Canada);
- (c) determining the proportions of contributions by employers and employees to pension plans that are attributable to a standard pension plan;
- (d) prescribing tests and standards for solvency of pension plans;

R.S.C. 1952,
c. 200

- (e) defining the conditions under which the Superintendent may require an employer to pay or credit an amount to the Central Pension Agency;
- (f) prescribing the conditions under which pension benefit credits may be retained by the administrator, insurer or trustee of a pension plan, or transferred to the administrator, insurer or trustee of another pension plan upon termination of employment of an eligible employee;
- (g) designating employees or pension plans or any class thereof that are excepted from the application of the Act and the regulations;
- (h) defining the conditions under which the Commission may participate in the organization and administration of the insurance fund described in clause *f* of subsection 1 of section 7, and fixing premiums which shall be payable to such fund by an employer or other person;
- (i) requiring the furnishing of information in respect of pension plans, and prescribing forms and providing for their use;
- (j) prescribing fees for registration and the annual supervision of pension plans;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

21. The Commission is not liable for any act or omission ^{Saving} of any trustee, insurer or administrator of a pension plan, or for or in respect of any default or breach of contract on the part of an employee or of any trustee, insurer or administrator of a pension plan.

PART IV

ADMINISTRATION, ENFORCEMENT AND APPEAL

22.—(1) Every employer who contravenes section 14 is ^{Penalties} guilty of an offence and on summary conviction is liable to a fine for each day of default equal to not more than the daily amount required to be paid to maintain a registered pension plan for his employees plus not more than \$100 per day.

(2) Every person who contravenes any other provision of ^{Idem} this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000 or to

imprisonment for a term of not more than six months, or to both.

Disposition
of fines

(3) The fines recovered for offences against this Act shall be paid to the Commission, and fines imposed under subsection 1 may be paid by the Commission to the Central Pension Agency for the credit of the eligible employees of the payer.

Inspection

(4) The Superintendent or his duly authorized representative may, at any reasonable time,

- (a) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and
- (b) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

Actions for
deducting
sums

(5) No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act.

Agreements
void

(6) Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void.

Evidence

23.—(1) No member of the Commission and no employee thereof shall be required to give testimony without the consent of the Commission in any civil action in which the Commission is not a party with regard to information obtained in the discharge of his duties.

Liability of
members and
employees of
Commission

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations.

Notice of
objection

24.—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, the employer may, within ninety days from the day of mailing of a notification of refusal of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

(3) Upon receipt of a notice of objection, the Commission shall with all due dispatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. ^{Review by Commission}

25. Where an employer has served a notice of objection under section 24, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act, ^{Appeal}

(a) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or

(b) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

26.—(1) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court. ^{Filing of notice of appeal}

(2) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. ^{Transmission to Superintendent}

(3) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. ^{Transmission of material}

27. An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. ^{Hearings in camera}

28.—(1) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. ^{Disposition of appeals}

(2) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. ^{Executing decision of Court}

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

30. This Act may be cited as *The Pension Benefits Act*, 1962-63. ^{Short title}

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits

1st Reading

March 19th, 1963

2nd Reading

March 22nd, 1963

3rd Reading

April 26th, 1963

MR. ROBARTS

BILL 111

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act respecting the Procedures for Expropriating Lands and for Determining Compensation for the Expropriation or Injurious Affection of Lands

MR. CASS

EXPLANATORY NOTE

The purpose of this Bill is to implement a number of the principal recommendations of the Select Committee on Land Expropriation.

BILL 111

1962-63

An Act respecting the Procedures for Expropriating Lands and for Determining Compensation for the Expropriation or Injurious Affection of Lands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "expropriate" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers, but does not include the taking of land for the widening of a highway where entry is deferred under section 338 of *The Municipal Act*; R.S.O. 1960,
c. 249
- (c) "expropriating authority" means the Crown or any person empowered to acquire land by expropriation;
- (d) "judge", except where otherwise described, means a judge of the county or district court of the county or district in which the land or the greater part of it is situate;
- (e) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (f) "owner" includes a mortgagee, lessee, tenant, occupant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;

(g) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, land titles or sheriff's office, and includes an occupant of land residing thereon;

(h) "serve" means to serve personally or by registered letter addressed to the person to be served at his last known address, or, if that person is unknown or if his address is unknown, by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land concerned is situate.

Application
of Act

2.—(1) Notwithstanding any general or special Act, where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, this Act applies.

Idem,
transitional
provision

(2) This Act applies only to proceedings in respect of land expropriated or injuriously affected where the statutory power was exercised by the expropriating authority on or after the day on which this Act came into force, and, where the statutory power was exercised before this Act came into force, such proceedings may be taken up and continued as if this Act had not been passed.

Conflict

(3) Where there is conflict between a provision of this Act and a provision of any other general or special Act, the provision of this Act prevails.

References
in other
Acts to
R.S.O. 1960,
cc. 249, 338,
deemed
references
to this Act

(4) The provisions of any general or special Act providing procedures with respect to the expropriation of land or the compensation payable for land expropriated or injuriously affected that refer to *The Municipal Act*, *The Public Works Act* or any other Act shall be deemed to refer to this Act and not to *The Municipal Act*, *The Public Works Act* or other Act, as the case may be.

Crown
bound
by Act

3. This Act binds the Crown.

Vesting
of title

4.—(1) Notwithstanding any general or special Act, where an expropriating authority has exercised its statutory powers to expropriate land, it shall register without undue delay in the proper registry or land titles office a plan of the land signed by the expropriating authority and by an Ontario land surveyor, and thereupon, but not otherwise, the land vests in the expropriating authority.

(2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the expropriating authority.

Where land required temporarily, etc.

(3) In the case of an omission, misstatement or erroneous description in a plan registered under this section, the expropriating authority may register in the proper registry or land titles office a plan replacing or amending the original plan and signed by the expropriating authority and by an Ontario land surveyor, and a plan registered under this subsection shall be marked to show the nature of the replacement or amendment and is of the same force and effect as, and is in substitution for, the original plan to the extent that such plan is replaced or amended thereby.

Correction of errors

(4) Where a plan purports to have been signed by an expropriating authority under this section, it shall be presumed to have been signed by the expropriating authority without proof of the signature or official character of the person appearing to have signed it, unless otherwise directed by a court or the tribunal determining compensation under this Act.

Presumption as to signing

(5) Where a limited estate, right or interest in land is being taken under *The Power Commission Act* for an electrical transmission or distribution line carried on single poles, The Hydro-Electric Power Commission of Ontario may, before registering a plan under subsection 1, register in the proper registry or land titles office a preliminary plan, to be known as and marked "Preliminary Plan" and being a plan with or without local description, signed by the secretary of the Commission and illustrating the location of the proposed line and indicating by appropriate words thereon the nature of the estate, right or interest being taken, and such preliminary plan when registered has the same force and effect as a plan registered under subsection 1, but a plan in accordance with subsection 1 shall be registered within two years after the registration of the preliminary plan in substitution for the preliminary plan.

Ontario Hydro R.S.O. 1960, c. 300

5.—(1) Where a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority may serve the owner, and shall serve the registered owner, within sixty days after the

Notice of expropriation

date of registration of the plan, with a notice of expropriation of his land (Form 1), but failure to serve the notice does not invalidate the expropriation.

Where
notice not
served

(2) Where a plan has been registered under section 4 and a notice of expropriation has not been served in accordance with subsection 1, the registered owner may elect, by notice in writing served upon the expropriating authority,

(a) to have the compensation to which he is entitled assessed as of the date of the registration of the plan under section 4; or

(b) to have the compensation to which he is entitled assessed as of the date on which he was served with the notice of expropriation.

Right to
compensa-
tion

6. Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority shall make due compensation to the owner of the land for the land expropriated or for any damage necessarily resulting from the exercise of such powers, as the case may be, beyond any advantage that he may derive from any work for which the land was expropriated or injuriously affected.

Claim for
compensa-
tion for
injuriously
affection

7.—(1) Subject to subsection 2, a claim for compensation for injurious affection of land caused by an expropriating authority shall be made by the owner of the land in writing with particulars of the claim within one year after the damage was sustained or after it became known to the owner, and, if not so made, the right to compensation is forever barred.

Idem, where
owner under
disability

(2) Where the owner of land that is injuriously affected is an infant, a mental incompetent or a person incapable of managing his affairs, his claim for compensation shall be made within one year after he ceased to be under the disability or, in the case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred.

Offer of
compensa-
tion for land
expropriated

8.—(1) Where land has been expropriated from an owner and a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority shall, within six months after the date of registration of the plan and before taking possession of the land, serve upon the registered owner an offer of a sum in full payment of the compensation for all interests in the land, but failure to serve the offer does not invalidate the expropriation.

(2) The expropriating authority may, within the six-month ^{Extension of period} period mentioned in subsection 1 and before taking possession of the land, upon giving at least two days' notice to the registered owner, apply to the judge for an order extending the time for serving the offer under subsection 1.

(3) If the offer required to be served under subsection 1 ^{Failure to serve} is not served within the time limited by subsection 1 or by an order of a judge under subsection 2, interest upon any compensation payable to the registered owner shall be calculated from the date of registration of the plan.

9. Where the expropriating authority and the owner have ^{Notice of arbitration} not agreed upon the compensation payable under section 6 and, in the case of injurious affection, section 7 has been complied with, or, in the case of expropriation, section 8 has been complied with or the time for complying therewith has expired, the expropriating authority or the owner may serve notice of arbitration upon the other of them, stating that he or it, as the case may be, requires the compensation to be determined by arbitration under this Act.

10.—(1) Where the expropriating authority is a municipality as defined in *The Department of Municipal Affairs Act*, ^{Tribunal for determining compensation where a municipality is the expropriating authority} a claim for compensation, if not agreed upon by the authority and the owner, shall be determined by,

- (a) the judge, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; ^{R.S.O. 1960, c. 98, 250, 274, 249}
- (b) the official arbitrator, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; or
- (c) the Board, in which case the provisions of *The Ontario Municipal Board Act* as to procedure apply,

as provided for in Part XVI of *The Municipal Act*.

(2) Where the expropriating authority is a corporation to ^{Idem, pipe line companies} which Part II of *The Energy Act* applies, a claim for compensation, if not agreed upon by the authority and the owner, shall ^{R.S.O. 1960, c. 122} be determined under section 14 of *The Energy Act*.

(3) Where the expropriating authority does not come within ^{Idem, Crown and other expropriating authorities} subsection 1 or 2, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined by the Board, and not otherwise, and *The Ontario Municipal Board Act*, except sections 94 and 95, applies so far as is practicable to every such claim. ^{R.S.O. 1960, c. 274}

Appeals

11.—(1) The expropriating authority or the owner may appeal to the Court of Appeal from any determination or order of a judge, an official arbitrator or the Board under section 10.

Idem

(2) The practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Commence-
ment of
compensa-
tion for
expropriated
land

12. Subject to subsection 2 of section 5, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection 1 of section 4.

Costs

13. The tribunal determining compensation under this Act may award costs, but, where the total amount of the compensation to all owners of any parcel of land expropriated is less than \$1,000, the tribunal may include in any award of costs a sum not exceeding 65 per cent of the cost of the preparation of reports of appraisers used in determining the amount of compensation.

Interest

14.—(1) Subject to subsection 3 of section 8, the tribunal determining compensation may allow interest at the rate of 5 per cent per annum on the amount of compensation,

(a) in the case of expropriation of land, from the date upon which the expropriating authority took possession of the land; and

(b) in the case of injurious affection of land, for such period as appears to the tribunal to be reasonable.

Idem

(2) Where the tribunal determining compensation is of the opinion that any delay in determining the compensation is attributable in whole or in part to the owner, it may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears reasonable.

Where no
interest
and costs

(3) Notwithstanding subsection 1, where the expropriating authority has offered to the registered owner under section 7 a sum equal to or greater than the compensation determined, the registered owner shall not be allowed any interest after the date of the offer or any costs, unless the tribunal determining the compensation otherwise orders.

Character
of com-
pensation

15.—(1) Where land has been expropriated, the compensation stands in the stead of the land, and any claim to or encumbrance on the land is, as respects the expropriating

authority, converted into a claim to or upon the compensation and no longer affects the land.

(2) Where the owner who is entitled to convey the land that has been expropriated and the expropriating authority agree as to the compensation or the compensation has been determined and in either case it does not exceed \$1,000, the expropriating authority may pay the compensation to the owner who is entitled to convey the land, saving always the rights of any other person to the compensation as against the person receiving it, and such payment discharges the expropriating authority from all liability in respect of the compensation. Payment of compensation not exceeding \$1,000

16. Where an owner of the land is unknown, is under a disability or for any other reason is not represented, a judge of the Supreme Court may, after due notice to the persons interested, appoint a person to represent such owner for any of the purposes of this Act, and any action of a person so appointed is binding on the person whom he represents. Representative

17.—(1) In any case where the expropriating authority deems it advisable, it may, without an order, pay the compensation agreed upon or determined into the office of the Accountant of the Supreme Court with interest thereon at 5 per cent for six months. Payment into court

(2) Upon an application for payment out of court of compensation paid into court, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation and as to costs as he deems reasonable. Payment out of court

(3) Where an order is obtained under subsection 2 in less than six months after the payment of the compensation into court, the judge making the order may direct that a proportionate part of the interest be returned to the expropriating authority. Adjustment of interest

(4) Where unborn issue or an unascertained person or class is interested in compensation paid into court, a judge of the Supreme Court may appoint such person as he deems proper to represent them, and any order made under this section is binding on them. Where unborn issue interested

18. Where land has been expropriated and the compensation has not been agreed upon or determined, the expropriating authority, before taking possession of the land, shall offer to Payment before possession

the registered owner a sum not less than 50 per cent of the amount to which he may be entitled as estimated by the expropriating authority, and, if the registered owner accepts that sum, it shall be paid and applied in partial payment of any compensation that may subsequently be agreed upon or determined.

Possession
of exprop-
riated land

19.—(1) Where land that has been expropriated is vested in an expropriating authority and the expropriating authority has served the registered owner with a notice that it requires possession of the land on the date specified therein, the expropriating authority, if no application is made under subsection 3, is entitled to enter upon and take possession of the land on the date specified in the notice.

Date for
possession

(2) The date for possession shall be at least ten days after the date of the serving of the notice of possession.

Application
for post-
ponement of
possession

(3) A registered owner or an expropriating authority may, upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in the notice of possession, and the judge, if he considers that under all the circumstances the application should be granted, may fix the date for possession.

Warrant to
put down
resistance
to entry, etc.

20.—(1) Where resistance or opposition is made to the expropriating authority or any person authorized by it in entering upon, using or taking possession of land when it is entitled so to do, it may apply to a judge for a warrant directing the sheriff to put down the resistance or opposition.

Hearing

(2) The judge shall, in writing, appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons as he prescribes.

Issue of
warrant

(3) On proof of the resistance or opposition, the judge may issue a warrant (Form 2).

Return

(4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof.

Abandon-
ment of
expropriated
land

21.—(1) Where, at any time before the date specified in the notice of possession served under section 19, the land or any part thereof is found to be unnecessary for the purposes of the expropriating authority or if it is found that a more limited estate or interest therein only is required, the expropriating authority may, by an instrument signed by it and registered in the proper registry or land titles office and served on the owner who was served with notice of expropriation, declare that the land or such part thereof is not required

and is abandoned by the expropriating authority or that it is intended to retain only such limited estate or interest as is mentioned in the instrument, and thereupon,

- (a) the land declared to be abandoned reverts in the owner from whom it was expropriated and those entitled to claim under him; or
- (b) in the event of a limited estate or interest only being retained by the expropriating authority, the land so reverts subject to such limited estate or interest.

(2) Where part only of the land or all of it except a limited estate or interest therein is abandoned, the fact of such abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the compensation for the part or the limited estate or interest that is not abandoned. ^{Partial abandonment}

(3) Where the whole of the land is abandoned, the owner from whom it was expropriated is entitled to compensation for all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the compensation, if not agreed upon by the parties, shall be determined under this Act and not otherwise. ^{Complete abandonment}

22. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

23. This Act may be cited as *The Expropriation Procedures Act, 1962-63*. ^{Short title}

FORM 1

The Expropriation Procedures Act, 1962-63

(Section 5 (1))

NOTICE OF EXPROPRIATION

To.....
(Registered Owner)

TAKE NOTICE:

1. That the..... did, on the day of
(Name of Authority)
....., 19....., register as No..... in the
Land Titles Office for the District
Registry Office for the County of.....
a plan of expropriation in accordance with *The Expropriation Procedures
Act, 1962-63*, and that the land defined therein is vested in the
..... for its use.
(Name of Authority)

2. Attached hereto is a copy of the portion of the plan of expropriation
of your land (or a description thereof).

3. That, under *The Expropriation Procedures Act, 1962-63*, the
..... will be notifying you of the amount of
(Name of Authority)
compensation it is willing to pay for the land expropriated and the damages
resulting therefrom and that, if you are not satisfied with the offer, you
are entitled to have the compensation determined by
(Name of Tribunal)
upon your making application to it.

4. That for any further information respecting this matter you may
communicate with.....
(Name of Authority, Officer or Agent)
at.....
(Address)

DATED at....., this.....day of....., 19.....

.....
(Name of Authority, Officer or Agent)

FORM 2

The Expropriation Procedures Act, 1962-63

(Section 20 (3))

WARRANT

Province of Ontario
County (or District) of

IN THE MATTER OF

The Expropriation Procedures Act, 1962-63
and IN THE MATTER OF

.....

To:

SHERIFF, etc.:

WHEREAS resistance or opposition has been made to

..... or a person authorized by it entering upon,
(*Expropriating Authority*)
using or taking possession of (*or as the case may be*) the land described as
follows:

AND WHEREAS the proof required by section 20 of *The Expropriation
Procedures Act, 1962-63* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith
to put down such resistance or opposition and put the

.....in possession of the said land (*or as the case
(Expropriating Authority)*
may be), and make a return to me of your execution hereof.

GIVEN under my hand thisday of....., 19.....

.....

Judge

1. The name of the person or
institution for the loan or
scholarship fund and the person or
the institution for

An Act respecting the Procedures for
Expropriating Lands and for Determining
Compensation for the Expropriation or
Injurious Affection of Lands

1st Reading

March 19th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 111

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting the Procedures for Expropriating Lands and for Determining Compensation for the Expropriation or Injurious Affection of Lands

MR. CASS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

The purpose of this Bill is to implement a number of the principal recommendations of the Select Committee on Land Expropriation.

BILL 111

1962-63

An Act respecting the Procedures for Expropriating Lands and for Determining Compensation for the Expropriation or Injurious Affection of Lands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "expropriate" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers, but does not include the taking of land for the widening of a highway where entry is deferred under section 338 of *The Municipal Act*;
- (c) "expropriating authority" means the Crown or any person empowered to acquire land by expropriation;
- (d) "judge", except where otherwise described, means a judge of the county or district court of the county or district in which the land or the greater part of it is situate;
- (e) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (f) "owner" includes a mortgagee, lessee, tenant, occupant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;

R.S.O. 1960,
c. 249

(g) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, land titles or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;

(h) "serve" means to serve personally or by registered letter addressed to the person to be served at his last known address, or, if that person is unknown or if his address is unknown, by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land concerned is situate.

Application
of Act

2.—(1) Notwithstanding any general or special Act, where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, this Act applies.

Idem, .
transitional
provision

(2) This Act applies only to proceedings in respect of land expropriated or injuriously affected where the statutory power was exercised by the expropriating authority on or after the day on which this Act came into force, and, except as provided in subsection 3, where the statutory power was exercised before this Act came into force, such proceedings may be taken up and continued as if this Act had not been passed.

Saving

(3) Where the statutory power was exercised before this Act came into force, the expropriating authority or the owner may serve notice of arbitration under section 9 requiring the compensation to be determined by arbitration under section 10.

Conflict

(4) Where there is conflict between a provision of this Act and a provision of any other general or special Act, the provision of this Act prevails.

References
in other
Acts to
R.S.O. 1960,
cc. 249, 338,
deemed
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(5) The provisions of any general or special Act providing procedures with respect to the expropriation of land or the compensation payable for land expropriated or injuriously affected that refer to *The Municipal Act*, *The Public Works Act* or any other Act shall be deemed to refer to this Act and not to *The Municipal Act*, *The Public Works Act* or other Act, as the case may be.

Crown
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3. This Act binds the Crown.

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of title

4.—(1) Notwithstanding any general or special Act, where an expropriating authority has exercised its statutory powers to expropriate land, it shall register without undue delay in

the proper registry or land titles office a plan of the land signed by the expropriating authority and by an Ontario land surveyor, and thereupon, but not otherwise, the land vests in the expropriating authority.

(2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the expropriating authority.

Where land required temporarily, etc.

(3) In the case of an omission, misstatement or erroneous description in a plan registered under this section, the expropriating authority may register in the proper registry or land titles office a plan replacing or amending the original plan and signed by the expropriating authority and by an Ontario land surveyor, and a plan registered under this subsection shall be marked to show the nature of the replacement or amendment and is of the same force and effect as, and is in substitution for, the original plan to the extent that such plan is replaced or amended thereby.

Correction of errors

(4) Where a plan purports to have been signed by an expropriating authority under this section, it shall be presumed to have been signed by the expropriating authority without proof of the signature or official character of the person appearing to have signed it, unless otherwise directed by a court or the tribunal determining compensation under this Act.

Presumption as to signing

(5) Where a limited estate, right or interest in land is being taken under *The Power Commission Act* for an electrical transmission or distribution line carried on single poles, The Hydro-Electric Power Commission of Ontario may, before registering a plan under subsection 1, register in the proper registry or land titles office a preliminary plan, to be known as and marked "Preliminary Plan" and being a plan with or without local description, signed by the secretary of the Commission and illustrating the location of the proposed line and indicating by appropriate words thereon the nature of the estate, right or interest being taken, and such preliminary plan when registered has the same force and effect as a plan registered under subsection 1, but a plan in accordance with subsection 1 shall be registered within two years after the registration of the preliminary plan in substitution for the preliminary plan.

Ontario Hydro R.S.O. 1960, c. 300

Notice of
Expropria-
tion

5.—(1) Where a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority may serve the owner, and shall serve the registered owner, within sixty days after the date of registration of the plan, with a notice of expropriation of his land (Form 1), but failure to serve the notice does not invalidate the expropriation.

Where
notice not
served

(2) Where a plan has been registered under section 4 and a notice of expropriation has not been served in accordance with subsection 1, the registered owner may elect, by notice in writing served upon the expropriating authority,

(a) to have the compensation to which he is entitled assessed as of the date of the registration of the plan under section 4; or

(b) to have the compensation to which he is entitled assessed as of the date on which he was served with the notice of expropriation.

Right to
compen-
sation

6.—(1) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority shall make due compensation to the owner of the land for the land expropriated or for any damage necessarily resulting from the exercise of such powers, as the case may be, beyond any advantage that he may derive from any work for which the land was expropriated or injuriously affected.

Reparation

(2) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority may, before the compensation is agreed upon or determined, undertake to make alterations or additions or to construct additional work or to abandon part of the land expropriated or to grant other lands or easements, in which case the compensation shall be determined having regard to such undertaking, and, if the undertaking has not already been carried out, the tribunal determining compensation shall declare that, in addition to the compensation determined, if any, the owner is entitled to have such alteration or addition made or such additional work constructed or such part of the land abandoned or such grant made to him.

Claim for
compensa-
tion for
injuriously
affection

7.—(1) Subject to subsection 2, a claim for compensation for injurious affection of land caused by an expropriating authority where no land was expropriated shall be made by the owner of the land in writing with particulars of the claim within one year after the damage was sustained or after it became known to the owner, and, if not so made, the right to compensation is forever barred.

(2) Where the owner of land that is so injuriously affected ^{Idem, where owner under disability} is an infant, a mental incompetent or a person incapable of managing his affairs, his claim for compensation shall be made within one year after he ceased to be under the disability or, in the case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred.

8.—(1) Where land has been expropriated from an owner and a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority shall, within six months after the date of registration of the plan and before taking possession of the land, serve upon the registered owner an offer in full payment of the compensation for all interests in the land, but failure to serve the offer does not invalidate the expropriation. ^{Offer of compensation for land expropriated}

(2) The expropriating authority may, within the six-month period mentioned in subsection 1 and before taking possession of the land, upon giving at least two days' notice to the registered owner, apply to the judge for an order extending the time for serving the offer under subsection 1. ^{Extension of period}

(3) If the offer required to be served under subsection 1 is not served within the time limited by subsection 1 or by an order of a judge under subsection 2, interest upon any compensation payable to the registered owner shall be calculated from the date of registration of the plan. ^{Failure to serve}

9. Where the expropriating authority and the owner have not agreed upon the compensation payable under section 6 and, in the case of injurious affection, section 7 has been complied with, or, in the case of expropriation, section 8 has been complied with or the time for complying therewith has expired, the expropriating authority or the owner may serve notice of arbitration upon the other of them, stating that he or it, as the case may be, requires the compensation to be determined by arbitration under this Act. ^{Notice of arbitration}

10.—(1) Where the expropriating authority is a municipality as defined in *The Department of Municipal Affairs Act*, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined by, ^{Tribunal for determining compensation where a municipality is the expropriating authority}

(a) the judge, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; ^{R.S.O. 1960, cc. 98, 250, 274, 249}

(b) the official arbitrator, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; or

(c) the Board, in which case the provisions of *The Ontario Municipal Board Act* as to procedure apply, as provided for in Part XVI of *The Municipal Act*.

Idem,
pipe line
companies
R.S.O. 1960,
c. 122

(2) Where the expropriating authority is a corporation to which Part II of *The Energy Act* applies, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined under section 14 of *The Energy Act*.

Idem,
gas storage
R.S.O. 1960,
c. 271

(3) Where the expropriating authority has received its authority under section 19 of *The Ontario Energy Board Act*, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined under that section.

Idem,
Crown and
other ex-
propriating
authorities
R.S.O. 1960,
c. 274

(4) Where the expropriating authority does not come within subsection 1, 2 or 3, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except sections 94 and 95, applies so far as is practicable to every such claim.

Appeals

11.—(1) The expropriating authority or the owner may appeal to the Court of Appeal from any determination or order of a judge, an official arbitrator or the Board under section 10.

Idem

(2) The practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court, except that the appeal may be taken at any time within six weeks from the day the determination or order was sent by registered mail to the parties, and the determination or order shall be deemed to have been received on the second day following its mailing, and the period of any vacation of the Supreme Court shall not be reckoned in computing such six weeks.

Commence-
ment of
compensa-
tion for
expropriated
land

12. Subject to subsection 2 of section 5, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection 1 or 5 of section 4.

Costs

13. The tribunal determining compensation under this Act may award costs, but, where the total amount of the compensation to all owners of any parcel of land expropriated is less than \$1,000, the tribunal may include in any award of costs a sum not exceeding 65 per cent of the cost of the preparation of reports of appraisers used in determining the amount of compensation.

Interest

14.—(1) Subject to subsection 3 of section 8, the tribunal determining compensation may allow interest on the amount of compensation at the rate of 5 per cent per annum from such date as is fixed by the tribunal.

(2) Where the tribunal determining compensation is of ^{Idem} the opinion that any delay in determining the compensation is attributable in whole or in part to the owner, it may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears reasonable.

(3) Notwithstanding subsection 1, where the expropriating authority has offered to the registered owner under section 8 ^{Where no interest and costs} a sum equal to or greater than the compensation determined, the registered owner shall not be allowed any interest after the date of the offer or any costs, unless the tribunal determining the compensation otherwise orders.

15.—(1) Where land has been expropriated, the compensation stands in the stead of the land, and any claim to or ^{Character of compensation} encumbrance on the land is, as respects the expropriating authority, converted into a claim to or upon the compensation and no longer affects the land.

(2) Where the owner who is entitled to convey the land that has been expropriated and the expropriating authority agree as to the compensation or the compensation has been determined and in either case it does not exceed \$1,000, the expropriating authority may pay the compensation to the owner who is entitled to convey the land, saving always the rights of any other person to the compensation as against the person receiving it, and such payment discharges the expropriating authority from all liability in respect of the compensation. ^{Payment of compensation not exceeding \$1,000}

16. Where an owner of the land is unknown, is under a ^{Representative} disability or for any other reason is not represented, a judge of the Supreme Court may, after due notice to the persons interested, appoint a person to represent such owner for any of the purposes of this Act, and any action of a person so appointed is binding on the person whom he represents.

17.—(1) In any case where the expropriating authority deems it advisable, it may, without an order, pay the compensation agreed upon or determined into the office of the Accountant of the Supreme Court together with a sum equal to the interest thereon at the rate of 5 per cent per annum for six months. ^{Payment into court}

(2) Upon an application for payment out of court of compensation paid into court, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial ^{Payment out of court}

of an issue or make such order with respect to the payment out of court of compensation and as to costs as he deems reasonable.

Adjustment
of interest

(3) Where an order is obtained under subsection 2 in less than six months after the payment of the compensation into court, the judge making the order may direct that a proportionate part of the interest be returned to the expropriating authority.

Where
unborn
issue
interested

(4) Where unborn issue or an unascertained person or class is interested in compensation paid into court, a judge of the Supreme Court may appoint such person as he deems proper to represent them, and any order made under this section is binding on them.

Payment
before
possession

18. Where land has been expropriated and the compensation has not been agreed upon or determined, the expropriating authority, before taking possession of the land, shall offer to the registered owner a sum not less than 50 per cent of the amount to which he may be entitled as estimated by the expropriating authority, and, if the registered owner accepts that sum, it shall be paid and applied in partial payment of any compensation that may subsequently be agreed upon or determined.

Possession
of expro-
priated land

19.—(1) Where land that has been expropriated is vested in an expropriating authority and the expropriating authority has served the registered owner with a notice that it requires possession of the land on the date specified therein, the expropriating authority, if no application is made under subsection 3, is entitled to enter upon and take possession of the land on the date specified in the notice.

Date for
possession

(2) The date for possession shall be at least ten days after the date of the serving of the notice of possession.

Application
for post-
ponement of
possession

(3) A registered owner or an expropriating authority may, upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in the notice of possession, and the judge, if he considers that under all the circumstances the application should be granted, may fix the date for possession.

Warrant to
put down
resistance
to entry, etc

20.—(1) Where resistance or opposition is made to the expropriating authority or any person authorized by it in entering upon, using or taking possession of land when it is entitled so to do, it may apply to a judge for a warrant directing the sheriff to put down the resistance or opposition.

Hearing

(2) The judge shall, in writing, appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons as he prescribes.

(3) On proof of the resistance or opposition, the judge may ^{Issue of} issue a warrant (Form 2).

(4) The sheriff shall forthwith execute the warrant and make ^{Return} a return to the judge of the execution thereof.

21.—(1) Where, at any time before the date specified in ^{Abandon-} the notice of possession served under section 19, the land or ^{ment of} any part thereof is found to be unnecessary for the purposes ^{expropriated} of the expropriating authority or if it is found that a more ^{land} limited estate or interest therein only is required, the expropriating authority may, by an instrument signed by it and registered in the proper registry or land titles office and served on the owner who was served with notice of expropriation, declare that the land or such part thereof is not required and is abandoned by the expropriating authority or that it is intended to retain only such limited estate or interest as is mentioned in the instrument, and thereupon,

(a) the land declared to be abandoned revests in the owner from whom it was expropriated and those entitled to claim under him; or

(b) in the event of a limited estate or interest only being retained by the expropriating authority, the land so revests subject to such limited estate or interest.

(2) Where part only of the land or all of it except a limited ^{Partial} estate or interest therein is abandoned, the fact of such ^{abandon-} abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the compensation for the part or the limited estate or interest that is not abandoned.

(3) Where the whole of the land is abandoned, the owner ^{Complete} from whom it was expropriated is entitled to compensation ^{abandon-} ment for all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the compensation, if not agreed upon by the parties, shall be determined under this Act and not otherwise.

22. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. ^{ment}

23. This Act may be cited as *The Expropriation Procedures* ^{Short title} *Act, 1962-63.*

FORM 1

The Expropriation Procedures Act, 1962-63

(Section 5 (1))

NOTICE OF EXPROPRIATION

To.....
(Registered Owner)

TAKE NOTICE:

1. That the..... did, on the day of
(Name of Authority)
....., 19....., register as No..... in the
.....
(Proper Land Titles or Registry Office)
a plan of expropriation in accordance with *The Expropriation Procedures Act, 1962-63*, and that the land defined therein is vested in the
..... for its use.
(Name of Authority)

2. Attached hereto is a copy of the portion of the plan of expropriation of your land (or a description thereof).

3. That, under *The Expropriation Procedures Act, 1962-63*, the
..... will be notifying you of the amount of
(Name of Authority)
compensation, if any, it is willing to pay for the land expropriated and for the damages resulting therefrom and that, if you are not satisfied with the offer, you are entitled to have the compensation determined by
..... upon your making application to it.
(Name of Tribunal)
upon your making application to it.

4. That for any further information respecting this matter you may communicate with.....
(Name of Authority, Officer or Agent)
at.....
(Address)

DATED at....., this..... day of....., 19.....
.....
(Name of Authority, Officer or Agent)

FORM 2

The Expropriation Procedures Act, 1962-63

(Section 20 (3))

WARRANT

Province of Ontario
County (or District) of

IN THE MATTER OF
The Expropriation Procedures Act, 1962-63
and IN THE MATTER OF
.....

To:

SHERIFF, etc.:

WHEREAS resistance or opposition has been made to

..... or a person authorized by it entering upon,
(*Expropriating Authority*)
using or taking possession of (*or as the case may be*) the land described as follows:

AND WHEREAS the proof required by section 20 of *The Expropriation Procedures Act, 1962-63* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and put the

.....in possession of the said land (*or as the case may be*), and make a return to me of your execution hereof.

GIVEN under my hand this.....day of....., 19.....

.....
Judge



Constitution of the Association of
Lithographers, Canada and for Determining
the Act respecting the procedure for

An Act respecting the Procedures for
Expropriating Lands and for Determining
Compensation for the Expropriation or
Injurious Affection of Lands

1st Reading

March 19th, 1963

2nd Reading

March 27th, 1963

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 111

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting the Procedures for Expropriating Lands and for Determining Compensation for the Expropriation or Injurious Affection of Lands

MR. CASS



BILL 111

1962-63

An Act respecting the Procedures for Expropriating Lands and for Determining Compensation for the Expropriation or Injurious Affection of Lands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "expropriate" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers, but does not include the taking of land for the widening of a highway where entry is deferred under section 338 of *The Municipal Act*;
- (c) "expropriating authority" means the Crown or any person empowered to acquire land by expropriation;
- (d) "judge", except where otherwise described, means a judge of the county or district court of the county or district in which the land or the greater part of it is situate;
- (e) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (f) "owner" includes a mortgagee, lessee, tenant, occupant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;

R.S.O. 1960,
c. 249

(g) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, land titles or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;

(h) "serve" means to serve personally or by registered letter addressed to the person to be served at his last known address, or, if that person is unknown or if his address is unknown, by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land concerned is situate.

Application
of Act

2.—(1) Notwithstanding any general or special Act, where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, this Act applies.

Idem,
transitional
provision

(2) This Act applies only to proceedings in respect of land expropriated or injuriously affected where the statutory power was exercised by the expropriating authority on or after the day on which this Act came into force, and, except as provided in subsection 3, where the statutory power was exercised before this Act came into force, such proceedings may be taken up and continued as if this Act had not been passed.

Saving

(3) Where the statutory power was exercised before this Act came into force, the expropriating authority or the owner may serve notice of arbitration under section 9 requiring the compensation to be determined by arbitration under section 10.

Conflict

(4) Where there is conflict between a provision of this Act and a provision of any other general or special Act, the provision of this Act prevails.

References
in other
Acts to
R.S.O. 1960,
cc. 249, 338,
deemed
references
to this Act

(5) The provisions of any general or special Act providing procedures with respect to the expropriation of land or the compensation payable for land expropriated or injuriously affected that refer to *The Municipal Act*, *The Public Works Act* or any other Act shall be deemed to refer to this Act and not to *The Municipal Act*, *The Public Works Act* or other Act, as the case may be.

Crown
bound
by Act

3. This Act binds the Crown.

Vesting
of title

4.—(1) Notwithstanding any general or special Act, where an expropriating authority has exercised its statutory powers to expropriate land, it shall register without undue delay in

the proper registry or land titles office a plan of the land signed by the expropriating authority and by an Ontario land surveyor, and thereupon, but not otherwise, the land vests in the expropriating authority.

(2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the expropriating authority.

Where land required temporarily, etc.

(3) In the case of an omission, misstatement or erroneous description in a plan registered under this section, the expropriating authority may register in the proper registry or land titles office a plan replacing or amending the original plan and signed by the expropriating authority and by an Ontario land surveyor, and a plan registered under this subsection shall be marked to show the nature of the replacement or amendment and is of the same force and effect as, and is in substitution for, the original plan to the extent that such plan is replaced or amended thereby.

Correction of errors

(4) Where a plan purports to have been signed by an expropriating authority under this section, it shall be presumed to have been signed by the expropriating authority without proof of the signature or official character of the person appearing to have signed it, unless otherwise directed by a court or the tribunal determining compensation under this Act.

Presumption as to signing

(5) Where a limited estate, right or interest in land is being taken under *The Power Commission Act* for an electrical transmission or distribution line carried on single poles, The Hydro-Electric Power Commission of Ontario may, before registering a plan under subsection 1, register in the proper registry or land titles office a preliminary plan, to be known as and marked "Preliminary Plan" and being a plan with or without local description, signed by the secretary of the Commission and illustrating the location of the proposed line and indicating by appropriate words thereon the nature of the estate, right or interest being taken, and such preliminary plan when registered has the same force and effect as a plan registered under subsection 1, but a plan in accordance with subsection 1 shall be registered within two years after the registration of the preliminary plan in substitution for the preliminary plan.

Ontario Hydro R.S.O. 1960, c. 300

Notice of
Expropria-
tion

5.—(1) Where a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority may serve the owner, and shall serve the registered owner, within sixty days after the date of registration of the plan, with a notice of expropriation of his land (Form 1), but failure to serve the notice does not invalidate the expropriation.

Where
notice not
served

(2) Where a plan has been registered under section 4 and a notice of expropriation has not been served in accordance with subsection 1, the registered owner may elect, by notice in writing served upon the expropriating authority,

- (a) to have the compensation to which he is entitled assessed as of the date of the registration of the plan under section 4; or
- (b) to have the compensation to which he is entitled assessed as of the date on which he was served with the notice of expropriation.

Right to
compen-
sation

6.—(1) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority shall make due compensation to the owner of the land for the land expropriated or for any damage necessarily resulting from the exercise of such powers, as the case may be, beyond any advantage that he may derive from any work for which the land was expropriated or injuriously affected.

Reparation

(2) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority may, before the compensation is agreed upon or determined, undertake to make alterations or additions or to construct additional work or to abandon part of the land expropriated or to grant other lands or easements, in which case the compensation shall be determined having regard to such undertaking, and, if the undertaking has not already been carried out, the tribunal determining compensation shall declare that, in addition to the compensation determined, if any, the owner is entitled to have such alteration or addition made or such additional work constructed or such part of the land abandoned or such grant made to him.

Claim for
compensa-
tion for
injuriously
affected

7.—(1) Subject to subsection 2, a claim for compensation for injurious affection of land caused by an expropriating authority where no land was expropriated shall be made by the owner of the land in writing with particulars of the claim within one year after the damage was sustained or after it became known to the owner, and, if not so made, the right to compensation is forever barred.

(2) Where the owner of land that is so injuriously affected ^{Idem, where owner under disability} is an infant, a mental incompetent or a person incapable of managing his affairs, his claim for compensation shall be made within one year after he ceased to be under the disability or, in the case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred.

8.—(1) Where land has been expropriated from an owner ^{Offer of compensation for land expropriated} and a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority shall, within six months after the date of registration of the plan and before taking possession of the land, serve upon the registered owner an offer in full payment of the compensation for all interests in the land, but failure to serve the offer does not invalidate the expropriation.

(2) The expropriating authority may, within the six-month ^{Extension of period} period mentioned in subsection 1 and before taking possession of the land, upon giving at least two days' notice to the registered owner, apply to the judge for an order extending the time for serving the offer under subsection 1.

(3) If the offer required to be served under subsection 1 ^{Failure to serve} is not served within the time limited by subsection 1 or by an order of a judge under subsection 2, interest upon any compensation payable to the registered owner shall be calculated from the date of registration of the plan.

9. Where the expropriating authority and the owner have ^{Notice of arbitration} not agreed upon the compensation payable under section 6 and, in the case of injurious affection, section 7 has been complied with, or, in the case of expropriation, section 8 has been complied with or the time for complying therewith has expired, the expropriating authority or the owner may serve notice of arbitration upon the other of them, stating that he or it, as the case may be, requires the compensation to be determined by arbitration under this Act.

10.—(1) Where the expropriating authority is a municipality as defined in *The Department of Municipal Affairs Act*, a claim for compensation, if not agreed upon by the authority ^{Tribunal for determining compensation where a municipality is the expropriating authority} and the owner, shall be determined by,

(a) the judge, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; ^{R.S.O. 1960, cc. 98, 250, 274, 249}

(b) the official arbitrator, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; or

(c) the Board, in which case the provisions of *The Ontario Municipal Board Act* as to procedure apply, as provided for in Part XVI of *The Municipal Act*.

Idem,
pipe line
companies
R.S.O. 1960,
c. 122

(2) Where the expropriating authority is a corporation to which Part II of *The Energy Act* applies, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined under section 14 of *The Energy Act*.

Idem,
gas storage
R.S.O. 1960,
c. 271

(3) Where the expropriating authority has received its authority under section 19 of *The Ontario Energy Board Act*, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined under that section.

Idem,
Crown and
other ex-
propriating
authorities
R.S.O. 1960,
c. 274

(4) Where the expropriating authority does not come within subsection 1, 2 or 3, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except sections 94 and 95, applies so far as is practicable to every such claim.

Appeals

11.—(1) The expropriating authority or the owner may appeal to the Court of Appeal from any determination or order of a judge, an official arbitrator or the Board under section 10.

Idem

(2) The practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court, except that the appeal may be taken at any time within six weeks from the day the determination or order was sent by registered mail to the parties, and the determination or order shall be deemed to have been received on the second day following its mailing, and the period of any vacation of the Supreme Court shall not be reckoned in computing such six weeks.

Commence-
ment of
compensa-
tion for
expropriated
land

12. Subject to subsection 2 of section 5, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection 1 or 5 of section 4.

Costs

13. The tribunal determining compensation under this Act may award costs, but, where the total amount of the compensation to all owners of any parcel of land expropriated is less than \$1,000, the tribunal may include in any award of costs a sum not exceeding 65 per cent of the cost of the preparation of reports of appraisers used in determining the amount of compensation.

Interest

14.—(1) Subject to subsection 3 of section 8, the tribunal determining compensation may allow interest on the amount of compensation at the rate of 5 per cent per annum from such date as is fixed by the tribunal.

(2) Where the tribunal determining compensation is of ^{Idem} the opinion that any delay in determining the compensation is attributable in whole or in part to the owner, it may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears reasonable.

(3) Notwithstanding subsection 1, where the expropriating authority has offered to the registered owner under section 8 ^{Where no interest and costs} a sum equal to or greater than the compensation determined, the registered owner shall not be allowed any interest after the date of the offer or any costs, unless the tribunal determining the compensation otherwise orders.

15.—(1) Where land has been expropriated, the compensation stands in the stead of the land, and any claim to or encumbrance on the land is, as respects the expropriating authority, converted into a claim to or upon the compensation and no longer affects the land. ^{Character of compensation}

(2) Where the owner who is entitled to convey the land that has been expropriated and the expropriating authority agree as to the compensation or the compensation has been determined and in either case it does not exceed \$1,000, the expropriating authority may pay the compensation to the owner who is entitled to convey the land, saving always the rights of any other person to the compensation as against the person receiving it, and such payment discharges the expropriating authority from all liability in respect of the compensation. ^{Payment of compensation not exceeding \$1,000}

16. Where an owner of the land is unknown, is under a disability or for any other reason is not represented, a judge of the Supreme Court may, after due notice to the persons interested, appoint a person to represent such owner for any of the purposes of this Act, and any action of a person so appointed is binding on the person whom he represents. ^{Representative}

17.—(1) In any case where the expropriating authority deems it advisable, it may, without an order, pay the compensation agreed upon or determined into the office of the Accountant of the Supreme Court together with a sum equal to the interest thereon at the rate of 5 per cent per annum for six months. ^{Payment into court}

(2) Upon an application for payment out of court of compensation paid into court, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial ^{Payment out of court}

of an issue or make such order with respect to the payment out of court of compensation and as to costs as he deems reasonable.

Adjustment
of interest

(3) Where an order is obtained under subsection 2 in less than six months after the payment of the compensation into court, the judge making the order may direct that a proportionate part of the interest be returned to the expropriating authority.

Where
unborn
issue
interested

(4) Where unborn issue or an unascertained person or class is interested in compensation paid into court, a judge of the Supreme Court may appoint such person as he deems proper to represent them, and any order made under this section is binding on them.

Payment
before
possession

18. Where land has been expropriated and the compensation has not been agreed upon or determined, the expropriating authority, before taking possession of the land, shall offer to the registered owner a sum not less than 50 per cent of the amount to which he may be entitled as estimated by the expropriating authority, and, if the registered owner accepts that sum, it shall be paid and applied in partial payment of any compensation that may subsequently be agreed upon or determined.

Possession
of expro-
priated land

19.—(1) Where land that has been expropriated is vested in an expropriating authority and the expropriating authority has served the registered owner with a notice that it requires possession of the land on the date specified therein, the expropriating authority, if no application is made under subsection 3, is entitled to enter upon and take possession of the land on the date specified in the notice.

Date for
possession

(2) The date for possession shall be at least ten days after the date of the serving of the notice of possession.

Application
for post-
ponement of
possession

(3) A registered owner or an expropriating authority may, upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in the notice of possession, and the judge, if he considers that under all the circumstances the application should be granted, may fix the date for possession.

Warrant to
put down
resistance
to entry, etc.

20.—(1) Where resistance or opposition is made to the expropriating authority or any person authorized by it in entering upon, using or taking possession of land when it is entitled so to do, it may apply to a judge for a warrant directing the sheriff to put down the resistance or opposition.

Hearing

(2) The judge shall, in writing, appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons as he prescribes.

(3) On proof of the resistance or opposition, the judge may ^{Issue of} issue a warrant (Form 2).

(4) The sheriff shall forthwith execute the warrant and make ^{Return} a return to the judge of the execution thereof.

21.—(1) Where, at any time before the date specified in ^{Abandon-} the notice of possession served under section 19, the land or ^{ment of} any part thereof is found to be unnecessary for the purposes ^{expropriated} of the expropriating authority or if it is found that a more limited estate or interest therein only is required, the expropriating authority may, by an instrument signed by it and registered in the proper registry or land titles office and served on the owner who was served with notice of expropriation, declare that the land or such part thereof is not required and is abandoned by the expropriating authority or that it is intended to retain only such limited estate or interest as is mentioned in the instrument, and thereupon,

(a) the land declared to be abandoned reverts in the owner from whom it was expropriated and those entitled to claim under him; or

(b) in the event of a limited estate or interest only being retained by the expropriating authority, the land so reverts subject to such limited estate or interest.

(2) Where part only of the land or all of it except a limited ^{Partial} estate or interest therein is abandoned, the fact of such ^{abandon-} abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the compensation for the part or the limited estate or interest that is not abandoned.

(3) Where the whole of the land is abandoned, the owner ^{Complete} from whom it was expropriated is entitled to compensation ^{abandon-} for all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the compensation, if not agreed upon by the parties, shall be determined under this Act and not otherwise.

22. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation.

23. This Act may be cited as *The Expropriation Procedures* ^{Short title} Act, 1962-63.

FORM 1

The Expropriation Procedures Act, 1962-63

(Section 5 (1))

NOTICE OF EXPROPRIATION

To.....
 (Registered Owner)

TAKE NOTICE:

1. That the..... did, on the day of
 (Name of Authority)
, 19....., register as No..... in the

 (Proper Land Titles or Registry Office)
 a plan of expropriation in accordance with *The Expropriation Procedures Act, 1962-63*, and that the land defined therein is vested in the
 for its use.
 (Name of Authority)

2. Attached hereto is a copy of the portion of the plan of expropriation of your land (or a description thereof).

3. That, under *The Expropriation Procedures Act, 1962-63*, the
 will be notifying you of the amount of
 (Name of Authority)
 compensation, if any, it is willing to pay for the land expropriated and for the damages resulting therefrom and that, if you are not satisfied with the offer, you are entitled to have the compensation determined by
or.....
 (Name of Tribunal) (Alternative Tribunal, if any)
 upon your making application to it.

4. That for any further information respecting this matter you may communicate with.....
 (Name of Authority, Officer or Agent)
 at.....
 (Address)

DATED at....., this..... day of....., 19.....

.....
 (Name of Authority, Officer or Agent)

FORM 2

The Expropriation Procedures Act, 1962-63

(Section 20 (3))

WARRANT

Province of Ontario
County (or District) of

IN THE MATTER OF

The Expropriation Procedures Act, 1962-63

and IN THE MATTER OF

.....

To:

SHERIFF, etc.:

WHEREAS resistance or opposition has been made to

..... or a person authorized by it entering upon,
(*Expropriating Authority*)
using or taking possession of (*or as the case may be*) the land described as follows:

AND WHEREAS the proof required by section 20 of *The Expropriation Procedures Act, 1962-63* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and put the

.....in possession of the said land (*or as the case may be*)
(*Expropriating Authority*)
may be), and make a return to me of your execution hereof.

GIVEN under my hand this.....day of....., 19.....

.....

Judge



An Act respecting the Procedures for
Expropriating Lands and for Determining
Compensation for the Expropriation or
Injurious Affection of Lands

1st Reading

March 19th, 1963

2nd Reading

March 27th, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 112

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act respecting the Assessment of the Town of Leamington

MR. SPOONER

EXPLANATORY NOTE

This Bill sets aside the assessment roll of the Town of Leamington prepared in the year 1962 and provides for the preparation of a new roll to be returned to the clerk of the Town before the 15th day of May, 1963.

BILL 112

1962-63

An Act respecting the Assessment of the Town of Leamington

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The assessment roll for the Town of Leamington prepared in the year 1962 is hereby set aside. Assessment roll set aside

2. The assessor of the Town of Leamington shall prepare in the year 1963 an assessment roll in accordance with *The Assessment Act* and shall return the roll to the clerk of the Town on or before the 15th day of May, 1963. Preparation of new roll R.S.O. 1960, c. 23

3. The same rights of appeal as apply under *The Assessment Act* with respect to the assessment roll set aside apply with respect to the assessment roll prepared under section 2, except that the dates specified in that Act for the hearing and determination of such appeals shall be extended for a period corresponding to the period of time between the return of the roll set aside and the return of the roll prepared under section 2. Appeals

4. The assessment roll prepared and returned by the assessor under section 2 shall be deemed to be the assessment roll for the Town of Leamington prepared and returned in the year 1962. Deemed 1962 roll

5. The time within which the council of The Corporation of the County of Essex may examine the assessment rolls prepared in the year 1962 and pass the equalization by-law mentioned in section 94 of *The Assessment Act* is extended to the 1st day of September, 1963. Equalization

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Town of Leamington Assessment Act, 1962-63*. Short title

An Act respecting the Assessment of
the Town of Leamington

1st Reading

March 20th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 112

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act respecting the Assessment of the Town of Leamington

MR. SPOONER



BILL 112

1962-63

An Act respecting the Assessment of the Town of Leamington

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The assessment roll for the Town of Leamington prepared in the year 1962 is hereby set aside. Assessment
roll set
aside
2. The assessor of the Town of Leamington shall prepare in the year 1963 an assessment roll in accordance with *The Assessment Act* and shall return the roll to the clerk of the Town on or before the 15th day of May, 1963. Preparation
of new roll
R.S.O. 1960,
c. 23
3. The same rights of appeal as apply under *The Assessment Act* with respect to the assessment roll set aside apply with respect to the assessment roll prepared under section 2, except that the dates specified in that Act for the hearing and determination of such appeals shall be extended for a period corresponding to the period of time between the return of the roll set aside and the return of the roll prepared under section 2. Appeals
4. The assessment roll prepared and returned by the assessor under section 2 shall be deemed to be the assessment roll for the Town of Leamington prepared and returned in the year 1962. Deemed
1962 roll
5. The time within which the council of The Corporation of the County of Essex may examine the assessment rolls prepared in the year 1962 and pass the equalization by-law mentioned in section 94 of *The Assessment Act* is extended to the 1st day of September, 1963. Equalization
6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
7. This Act may be cited as *The Town of Leamington Assessment Act, 1962-63*. Short title

An Act respecting the Assessment of
the Town of Leamington

1st Reading

March 20th, 1963

2nd Reading

March 25th, 1963

3rd Reading

April 26th, 1963

MR. SPOONER

BILL 113

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Municipal Unconditional Grants Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “statutory payments” is amended to include the amount of premiums paid by a municipality to the Ontario Hospital Services Commission to insure indigents.

Subsection 2. The new subsection 4 provides for the making of grants in the year 1963 to municipalities with respect to indigent hospitalization.

BILL 113

1962-63

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8a of *The Municipal Unconditional Grants Act*, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1960-61*, is amended by inserting after “sections” in the seventh line “and the total amount of any premiums paid by the municipality to the Hospital Services Commission of Ontario in that year to insure indigents in the municipality”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 259, s. 8a
(1960-61,
c. 60, s. 1),
subs. 1,
amended

- (1) In this section, “statutory payments” means the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act* or the predecessors of such sections, and the total amount of any premiums paid by the municipality to the Hospital Services Commission of Ontario in that year to insure indigents in the municipality, less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections.
- Statutory
payments
defined

R.S.O. 1960,
c. 322

- (2) The said section 8a, as amended by section 1 of *The Municipal Unconditional Grants Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:
- R.S.O. 1960,
c. 259, s. 8a
(1960-61,
c. 60, s. 1),
amended

- (4) In the year 1963, there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated
- Grants re
indigent
hospitali-
zation, 1963

town in a county, to each county and to each municipality in the territorial districts a grant of 80 per cent of the statutory payments made with respect to the year 1963.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1963.

Short title

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1962-63*.



An Act to amend
The Municipal Unconditional Grants Act

1st Reading

March 20th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 113

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Municipal Unconditional Grants Act

MR. SPOONER



BILL 113

1962-63

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8a of *The Municipal Unconditional Grants Act*, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1960-61*, is amended by inserting after "sections" in the seventh line "and the total amount of any premiums paid by the municipality to the Hospital Services Commission of Ontario in that year to insure indigents in the municipality", so that the subsection shall read as follows:

R.S.O. 1960,
c. 259, s. 8a
(1960-61,
c. 60, s. 1),
subs. 1,
amended

- (1) In this section, "statutory payments" means the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act* or the predecessors of such sections, and the total amount of any premiums paid by the municipality to the Hospital Services Commission of Ontario in that year to insure indigents in the municipality, less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections.

Statutory
payments
defined

R.S.O. 1960,
c. 322

(2) The said section 8a, as amended by section 1 of *The Municipal Unconditional Grants Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 259, s. 8a
(1960-61,
c. 60, s. 1),
amended

- (4) In the year 1963, there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated

Grants re
indigent
hospitali-
zation, 1963

town in a county, to each county and to each municipality in the territorial districts a grant of 80 per cent of the statutory payments made with respect to the year 1963.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1963.

Short title

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1962-63*.



An Act to amend
The Municipal Unconditional Grants Act

1st Reading

March 20th, 1963

2nd Reading

March 25th, 1963

3rd Reading

April 26th, 1963

MR. SPOONER

BILL 114

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Ontario Water Resources Commission Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. The amendments provide that *The Public Service Superannuation Act* applies to the permanent staff of the Commission, other than persons employed in connection with the operation of sewage works or water works who are members of the Ontario Municipal Employees Retirement System.

SECTION 2. The new clause authorizes the Commission to disseminate information with respect to water and sewage matters, to provide courses, etc., and to charge fees therefor.

SECTION 3. Clause *b* of subsection 1, clause *b* of subsection 2 and subsection 3 of section 28, as re-enacted, are new and authorize the Commission to define an area surrounding a source of public water supply wherein no act shall be done that may unduly diminish the amount of water available in such area as a public water supply.

BILL 114

1962-63

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2, as re-enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, and subsections 3, 4 and 5, as enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, of section 10 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2
(1960-61,
c. 71, s. 2),
re-enacted;
subs. 3-5
(1960-61,
c. 71, s. 2),
repealed

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'
superannua-
tion
benefits
R.S.O. 1960,
c. 332

2. Subsection 1 of section 16 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 281, s. 16,
subs. 1,
amended

(ea) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage, and to charge fees in respect thereof.

3. Section 28 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 28,
re-enacted

28.—(1) The Commission may define an area that includes a source of public water supply,

Area
defined for
protection
of public
water
supply

(a) wherein no person shall swim or bathe and no material of any kind that may impair the quality of the water therein shall be placed, deposited, discharged or allowed to remain; or

- (b) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Commission deems necessary for the protection of the source of public water supply.

Offences

- (2) Every person,
 - (a) who swims or bathes within an area defined under clause *a* of subsection 1 or who places, deposits, discharges or allows to remain within such an area any material of any kind that may impair the quality of the water therein; or
 - (b) who does any act or takes water within an area defined under clause *b* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Application

- (3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1.

R.S.O. 1960,
c. 281, s. 28^a
(1960-61,
c. 71, s. 3),
subs. 2,
cl. *a*,
amended

4.—(1) Clause *a* of subsection 2 of section 28^a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by inserting after “are” in the second line “constructed”, so that the clause shall read as follows:

- (a) by means of a well or wells or excavation or excavations that are constructed, bored, drilled, dug or deepened after this section comes into force; or

.

SECTION 4—Subsection 1. The amendment is to make it clear that the provisions dealing with the taking of water by means of wells includes those that are constructed by means other than boring, drilling and digging.

Subsection 2. The penalty for taking water contrary to the Act or any permit issued by the Commission is increased from \$50 to \$200.

SECTION 5. The amendment is to clarify the provisions authorizing the municipality into which sewage works are extended to collect the amounts to be paid under an agreement.

SECTION 6. The new subsection authorizes the municipality to provide for commutation of sewer and water works rates.

SECTION 7—Subsection 1. The new clause authorizes the Commission, with the approval of the Lieutenant Governor in Council, to make regulations providing for a grievance board to hear grievances of employees of the Commission or any designated classes thereof.

(2) Subsection 5 of the said section 28a, as enacted by sub-^{R.S.O. 1960,}
 section 2 of section 6 of *The Ontario Water Resources Com-*^{c. 281, s. 28a,}
mission Amendment Act, 1961-62, is amended by striking out^{subs. 5}
 "\$50" in the fifth line and inserting in lieu thereof "\$200",^{(1961-62,}
^{c. 99, s. 6,}
^{subs. 2),}
 so that the subsection shall read as follows:

- (5) Every person who contravenes subsection 2 or any^{Offence}
 of the terms and conditions of a permit issued by the
 Commission is guilty of an offence and on summary
 conviction is liable to a fine of not more than \$200
 for every day the contravention continues.

5. Subsection 9 of section 32 of *The Ontario Water Resources*^{R.S.O. 1960,}
Commission Act is amended by striking out "the sewage works^{c. 281, s. 32,}
 constituted a public utility owned by the municipality" in^{subs. 9,}
 the sixth and seventh lines and inserting in lieu thereof "the^{amended}
 municipality itself were proposing to construct, were con-
 structing or had constructed the works or were operating and
 maintaining the works", so that the subsection shall read as
 follows:

- (9) Where an agreement is made under subsection 7 or^{Municipality may}
 an order is made under subsection 8, the municipi-^{collect as}
 pality into which the sewage works are extended may^{taxes}
 assess, levy and collect as taxes the amounts to be^{amounts}
 paid under the agreement or order in the same manner^{agreed or}
 and to the same extent as if the municipality itself^{ordered to}
 were proposing to construct, were constructing or^{be paid}
 had constructed the works or were operating and
 maintaining the works.

6. Section 41 of *The Ontario Water Resources Commission*^{R.S.O. 1960,}
Act is amended by adding thereto the following subsection:^{c. 281, s. 41,}
^{amended}

- (1a) Where a by-law under subsection 1 imposes a sewer^{Commuta-}
 rate or water works rate upon owners or occupants^{tion of}
 of land, the council of the municipality may provide^{rates}
 for commutation for a payment in cash of the whole
 or any part of the rate imposed and may prescribe
 the terms and conditions thereof.

7.—(1) Subsection 1 of section 47 of *The Ontario Water*^{R.S.O. 1960,}
Resources Commission Act, as amended by section 14 of *The*^{c. 281, s. 47,}
Ontario Water Resources Commission Amendment Act, 1961-62,^{subs. 1,}
 is further amended by adding thereto the following clause:^{amended}

- (kb) providing for a grievance board and prescribing its
 jurisdiction, powers and duties, including any powers
 that may be conferred upon a commission under *The*^{R.S.O. 1960,}
Public Inquiries Act, designating the classes of its^{c. 323}

employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances.

R.S.O. 1960,
c. 281, s. 47,
amended

(2) The said section 47 is amended by adding thereto the following subsection:

Proceedings
to enforce
plumbing
regulations

(4) Proceedings to enforce regulations made under clause *e* of subsection 1 may be instituted within one year after the time when the subject-matter of the proceedings arose.

Commence-
ment

8. This Act, except section 1, comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1962-63*.

Subsection 2. At present, proceedings to enforce plumbing regulations must be commenced within six months after the time when the subject-matter of the proceedings arose. This period is extended to one year.



An Act to amend The Ontario Water
Resources Commission Act

1st Reading

March 20th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 114

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Ontario Water Resources Commission Act

MR. SPOONER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The amendments provide that *The Public Service Superannuation Act* applies to the permanent staff of the Commission, other than persons employed in connection with the operation of sewage works or water works who are members of the Ontario Municipal Employees Retirement System.

SECTION 2. The new clause authorizes the Commission to disseminate information with respect to water and sewage matters, to provide courses, etc., and to charge fees therefor.

SECTION 3. Clause *b* of subsection 1, clause *b* of subsection 2 and subsection 3 of section 28, as re-enacted, are new and authorize the Commission to define an area surrounding a source of public water supply wherein no act shall be done that may unduly diminish the amount of water available in such area as a public water supply .

BILL 114

1962-63

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2, as re-enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, and subsections 3, 4 and 5, as enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, of section 10 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2
(1960-61,
c. 71, s. 2),
re-enacted;
subss. 3-5
(1960-61,
c. 71, s. 2),
repealed

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'
superannua-
tion
benefits
R.S.O. 1960,
c. 332

2. Subsection 1 of section 16 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 281, s. 16,
subs. 1,
amended

(ea) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage, and to charge fees in respect thereof.

3. Section 28 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 28,
re-enacted

28.—(1) The Commission may define an area that includes a source of public water supply,

Area
defined for
protection
of public
water
supply

(a) wherein no person shall swim or bathe and no material of any kind that may impair the quality of the water therein shall be placed, deposited, discharged or allowed to remain; or

- (b) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Commission deems necessary for the protection of the source of public water supply.

Offences

(2) Every person,

- (a) who swims or bathes within an area defined under clause *a* of subsection 1 or who places, deposits, discharges or allows to remain within such an area any material of any kind that may impair the quality of the water therein; or
- (b) who does any act or takes water within an area defined under clause *b* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Application

- (3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
subs. 2,
cl. a,
amended

4.—(1) Clause *a* of subsection 2 of section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by inserting after "are" in the second line "constructed", so that the clause shall read as follows:

- (a) by means of a well or wells or excavation or excavations that are constructed, bored, drilled, dug or deepened after this section comes into force; or

SECTION 4—Subsection 1. The amendment is to make it clear that the provisions dealing with the taking of water by means of wells includes those that are constructed by means other than boring, drilling and digging.

Subsection 2. The penalty for taking water contrary to the Act or any permit issued by the Commission is increased from \$50 to \$200.

SECTION 5. The amendment is to clarify the provisions authorizing the municipality into which sewage works are extended to collect the amounts to be paid under an agreement.

SECTION 6. The new subsection authorizes the municipality to provide for commutation of sewer and water works rates.

SECTION 7—Subsection 1. The new clause authorizes the Commission, with the approval of the Lieutenant Governor in Council, to make regulations providing for a grievance board to hear grievances of employees of the Commission or any designated classes thereof.

(2) Subsection 5 of the said section 28a, as enacted by sub-^{R.S.O. 1960,}
 section 2 of section 6 of *The Ontario Water Resources Com-*^{c. 281, s. 28a,}
mission Amendment Act, 1961-62, is amended by striking out^{subs. 5}
 "\$50" in the fifth line and inserting in lieu thereof "\$200",^{(1961-62,}
^{c. 99, s. 6,}
^{subs. 2),}
 amended
 so that the subsection shall read as follows:

- (5) Every person who contravenes subsection 2 or any ^{Offence}
 of the terms and conditions of a permit issued by the
 Commission is guilty of an offence and on summary
 conviction is liable to a fine of not more than \$200
 for every day the contravention continues.

5. Subsection 9 of section 32 of *The Ontario Water Resources* ^{R.S.O. 1960,}
Commission Act is amended by striking out "the sewage works" ^{c. 281, s. 32,}
 constituted a public utility owned by the municipality" in ^{subs. 9,}
 the sixth and seventh lines and inserting in lieu thereof "the ^{amended}
 municipality itself were proposing to construct, were con-
 structing or had constructed the works or were operating and
 maintaining the works", so that the subsection shall read as
 follows:

- (9) Where an agreement is made under subsection 7 or ^{Municipality may}
 an order is made under subsection 8, the municipi- ^{collect as}
 pality into which the sewage works are extended may ^{taxes}
 assess, levy and collect as taxes the amounts to be ^{amounts}
 paid under the agreement or order in the same manner ^{agreed or}
 and to the same extent as if the municipality itself ^{ordered to}
 were proposing to construct, were constructing or ^{be paid}
 had constructed the works or were operating and
 maintaining the works.

6. Section 41 of *The Ontario Water Resources Commission* ^{R.S.O. 1960,}
Act is amended by adding thereto the following subsection: ^{c. 281, s. 41,}
^{amended}

- (1a) Where a by-law under subsection 1 imposes a sewer ^{Commuta-}
 rate or water works rate upon owners or occupants ^{tion of}
 of land, the council of the municipality may provide ^{rates}
 for commutation for a payment in cash of the whole
 or any part of the rate imposed and may prescribe
 the terms and conditions thereof.

7.—(1) Subsection 1 of section 47 of *The Ontario Water* ^{R.S.O. 1960,}
Resources Commission Act, as amended by section 14 of *The* ^{c. 281, s. 47,}
Ontario Water Resources Commission Amendment Act, 1961-62, ^{subs. 1,}
 is further amended by adding thereto the following clause: ^{amended}

- (kb) providing for a grievance board and prescribing its
 jurisdiction, powers and duties, including any powers
 that may be conferred upon a commission under *The* ^{R.S.O. 1960,}
Public Inquiries Act, designating the classes of its ^{c. 323}

employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances.

R.S.O. 1960,
c. 281, s. 47,
amended

(2) The said section 47 is amended by adding thereto the following subsection:

Proceedings
to enforce
plumbing
regulations

(4) Proceedings to enforce regulations made under clause *e* of subsection 1 may be instituted within one year after the time when the subject-matter of the proceedings arose.

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1963.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1962-63*.

Subsection 2. At present, proceedings to enforce plumbing regulations must be commenced within six months after the time when the subject-matter of the proceedings arose. This period is extended to one year. .



An Act to amend The Ontario Water
Resources Commission Act

1st Reading

March 20th, 1963

2nd Reading

March 25th, 1963

3rd Reading

MR. SPOONER

*(Reprinted as amended by the
Committee on Municipal Law)*

BILL 114

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Ontario Water Resources Commission Act

MR. SPOONER



BILL 114

1962-63

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2, as re-enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, and subsections 3, 4 and 5, as enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, of section 10 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2
(1960-61,
c. 71, s. 2),
re-enacted;
subs. 3-5
(1960-61,
c. 71, s. 2),
repealed

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees' superannuation benefits
R.S.O. 1960,
c. 332

2. Subsection 1 of section 16 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 281, s. 16,
subs. 1,
amended

(ea) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage, and to charge fees in respect thereof.

3. Section 28 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 28,
re-enacted

28.—(1) The Commission may define an area that includes a source of public water supply,

Area defined for protection of public water supply

(a) wherein no person shall swim or bathe and no material of any kind that may impair the quality of the water therein shall be placed, deposited, discharged or allowed to remain; or

- (b) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Commission deems necessary for the protection of the source of public water supply.

Offences

- (2) Every person,
- (a) who swims or bathes within an area defined under clause *a* of subsection 1 or who places, deposits, discharges or allows to remain within such an area any material of any kind that may impair the quality of the water therein; or
- (b) who does any act or takes water within an area defined under clause *b* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Application

- (3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1.

R.S.O. 1960,
c. 281, s. 28^a
(1960-61,
o. 71, s. 3),
subs. 2,
cl. a,
amended

4.—(1) Clause *a* of subsection 2 of section 28^a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by inserting after “are” in the second line “constructed”, so that the clause shall read as follows:

- (a) by means of a well or wells or excavation or excavations that are constructed, bored, drilled, dug or deepened after this section comes into force; or

.

SECTION 4—Subsection 1. The amendment is to make it clear that the provisions dealing with the taking of water by means of wells includes those that are constructed by means other than boring, drilling and digging.

Subsection 2. The penalty for taking water contrary to the Act or any permit issued by the Commission is increased from \$50 to \$200.

SECTION 5. The amendment is to clarify the provisions authorizing the municipality into which sewage works are extended to collect the amounts to be paid under an agreement.

SECTION 6. The new subsection authorizes the municipality to provide for commutation of sewer and water works rates.

SECTION 7—Subsection 1. The new clause authorizes the Commission, with the approval of the Lieutenant Governor in Council, to make regulations providing for a grievance board to hear grievances of employees of the Commission or any designated classes thereof.

(2) Subsection 5 of the said section 28a, as enacted by sub-^{R.S.O. 1960,}
 section 2 of section 6 of *The Ontario Water Resources Com-*^{c. 281, s. 28 a,}
mission Amendment Act, 1961-62, is amended by striking out^{(1961-62,}
 “\$50” in the fifth line and inserting in lieu thereof “\$200”,^{subs. 5,}
 so that the subsection shall read as follows:^{c. 99, s. 6,}
^{subs. 2),}
^{amended}

- (5) Every person who contravenes subsection 2 or any^{Offence}
 of the terms and conditions of a permit issued by the
 Commission is guilty of an offence and on summary
 conviction is liable to a fine of not more than \$200
 for every day the contravention continues.

5. Subsection 9 of section 32 of *The Ontario Water Resources*^{R.S.O. 1960,}
Commission Act is amended by striking out “the sewage works^{c. 281, s. 32,}
 constituted a public utility owned by the municipality” in^{subs. 9,}
 the sixth and seventh lines and inserting in lieu thereof “the^{amended}
 municipality itself were proposing to construct, were con-
 structing or had constructed the works or were operating and
 maintaining the works”, so that the subsection shall read as
 follows:

- (9) Where an agreement is made under subsection 7 or^{Municipality may}
 an order is made under subsection 8, the municipi-^{collect as}
 pality into which the sewage works are extended may^{taxes}
 assess, levy and collect as taxes the amounts to be^{amounts}
 paid under the agreement or order in the same manner^{agreed or}
 and to the same extent as if the municipality itself^{ordered to}
 were proposing to construct, were constructing or^{be paid}
 had constructed the works or were operating and
 maintaining the works.

6. Section 41 of *The Ontario Water Resources Commission*^{R.S.O. 1960,}
Act is amended by adding thereto the following subsection:^{c. 281, s. 41,}
^{amended}

- (1a) Where a by-law under subsection 1 imposes a sewer^{Commuta-}
 rate or water works rate upon owners or occupants^{tion of}
 of land, the council of the municipality may provide^{rates}
 for commutation for a payment in cash of the whole
 or any part of the rate imposed and may prescribe
 the terms and conditions thereof.

7.—(1) Subsection 1 of section 47 of *The Ontario Water*^{R.S.O. 1960,}
Resources Commission Act, as amended by section 14 of *The*^{c. 281, s. 47,}
Ontario Water Resources Commission Amendment Act, 1961-62,^{subs. 1,}
 is further amended by adding thereto the following clause:^{amended}

- (kb) providing for a grievance board and prescribing its
 jurisdiction, powers and duties, including any powers
 that may be conferred upon a commission under *The*^{R.S.O. 1960,}
Public Inquiries Act, designating the classes of its^{c. 323}

employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances.

R.S.O. 1960, c. 281, s. 47, amended (2) The said section 47 is amended by adding thereto the following subsection:

Proceedings
to enforce
plumbing
regulations

(4) Proceedings to enforce regulations made under clause e of subsection 1 may be instituted within one year after the time when the subject-matter of the proceedings arose.

Commence-
ment

8. This Act, except section 1, comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1962-63*.

Subsection 2. At present, proceedings to enforce plumbing regulations must be commenced within six months after the time when the subject-matter of the proceedings arose. This period is extended to one year.



An Act to amend The Ontario Water
Resources Commission Act

1st Reading

March 20th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 114

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Ontario Water Resources Commission Act

MR. SPOONER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The amendments provide that *The Public Service Superannuation Act* applies to the permanent staff of the Commission, other than persons employed in connection with the operation of sewage works or water works who are members of the Ontario Municipal Employees Retirement System.

SECTION 2. The new clause authorizes the Commission to disseminate information with respect to water and sewage matters, to provide courses, etc., and to charge fees therefor.

SECTION 3. Clause *b* of subsection 1, clause *b* of subsection 2 and subsection 3 of section 28, as re-enacted, are new and authorize the Commission to define an area surrounding a source of public water supply wherein no act shall be done that may unduly diminish the amount of water available in such area as a public water supply .

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2, as re-enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, and subsections 3, 4 and 5, as enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, of section 10 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2
(1960-61,
c. 71, s. 2),
re-enacted;
subs. 3-5
(1960-61,
c. 71, s. 2),
repealed

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'
superannua-
tion
benefits
R.S.O. 1960,
c. 332

2. Subsection 1 of section 16 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 281, s. 16,
subs. 1,
amended

(ea) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage, and to charge fees in respect thereof.

3. Section 28 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 28,
re-enacted

28.—(1) The Commission may define an area that includes a source of public water supply,

Area
defined for
protection
of public
water
supply

(a) wherein no person shall swim or bathe and no material of any kind that may impair the quality of the water therein shall be placed, deposited, discharged or allowed to remain; or

- (b) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Commission deems necessary for the protection of the source of public water supply.

Offences

- (2) Every person,

- (a) who swims or bathes within an area defined under clause *a* of subsection 1 or who places, deposits, discharges or allows to remain within such an area any material of any kind that may impair the quality of the water therein; or
- (b) who does any act or takes water within an area defined under clause *b* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Application

- (3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
subs. 2,
cl. a,
amended

4.—(1) Clause *a* of subsection 2 of section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by inserting after “are” in the second line “constructed”, so that the clause shall read as follows:

- (a) by means of a well or wells or excavation or excavations that are constructed, bored, drilled, dug or deepened after this section comes into force; or

SECTION 4—Subsection 1. The amendment is to make it clear that the provisions dealing with the taking of water by means of wells includes those that are constructed by means other than boring, drilling and digging.

Subsection 2. The penalty for taking water contrary to the Act or any permit issued by the Commission is increased from \$50 to \$200.

SECTION 5. The amendment is to clarify the provisions authorizing the municipality into which sewage works are extended to collect the amounts to be paid under an agreement.

SECTION 6. The new subsection authorizes the municipality to provide for commutation of sewer and water works rates.

SECTION 7—Subsection 1. The new clause authorizes the Commission, with the approval of the Lieutenant Governor in Council, to make regulations providing for a grievance board to hear grievances of employees of the Commission or any designated classes thereof.

(2) Subsection 5 of the said section 28a, as enacted by sub-^{R.S.O. 1960,}
 section 2 of section 6 of *The Ontario Water Resources Com-*^{c. 281, s. 28a,}
mission Amendment Act, 1961-62, is amended by striking out^{subs. 5}
 "\$50" in the fifth line and inserting in lieu thereof "\$200",^{(1961-62,}
^{c. 99, s. 6,}
^{subs. 2),}
 amended
 so that the subsection shall read as follows:

- (5) Every person who contravenes subsection 2 or any ^{Offence}
 of the terms and conditions of a permit issued by the
 Commission is guilty of an offence and on summary
 conviction is liable to a fine of not more than \$200
 for every day the contravention continues.

5. Subsection 9 of section 32 of *The Ontario Water Resources* ^{R.S.O. 1960,}
Commission Act is amended by striking out "the sewage works" ^{c. 281, s. 32,}
 constituted a public utility owned by the municipality" in ^{subs. 9,}
 the sixth and seventh lines and inserting in lieu thereof "the ^{amended}
 municipality itself were proposing to construct, were con-
 structing or had constructed the works or were operating and
 maintaining the works", so that the subsection shall read as
 follows:

- (9) Where an agreement is made under subsection 7 or ^{Muni-}
 an order is made under subsection 8, the municipi- ^{pality may}
 pality into which the sewage works are extended may ^{collect as}
 assess, levy and collect as taxes the amounts to be ^{taxes}
 paid under the agreement or order in the same manner ^{amounts}
 and to the same extent as if the municipality itself ^{agreed or}
 were proposing to construct, were constructing or ^{ordered to}
 had constructed the works or were operating and ^{be paid}
 maintaining the works.

6. Section 41 of *The Ontario Water Resources Commission* ^{R.S.O. 1960,}
Act is amended by adding thereto the following subsection: ^{c. 281, s. 41,}
^{amended}

- (1a) Where a by-law under subsection 1 imposes a sewer ^{Commuta-}
 rate or water works rate upon owners or occupants ^{tion of}
 of land, the council of the municipality may provide ^{rates}
 for commutation for a payment in cash of the whole
 or any part of the rate imposed and may prescribe
 the terms and conditions thereof.

7.—(1) Subsection 1 of section 47 of *The Ontario Water* ^{R.S.O. 1960,}
Resources Commission Act, as amended by section 14 of *The* ^{c. 281, s. 47,}
Ontario Water Resources Commission Amendment Act, 1961-62, ^{subs. 1,}
 is further amended by adding thereto the following clause: ^{amended}

- (kb) providing for a grievance board and prescribing its
 jurisdiction, powers and duties, including any powers
 that may be conferred upon a commission under *The* ^{R.S.O. 1960,}
Public Inquiries Act, designating the classes of its ^{c. 323}

employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances.

R.S.O. 1960,
c. 281, s. 47,
amended

(2) The said section 47 is amended by adding thereto the following subsection:

Proceedings
to enforce
plumbing
regulations

(4) Proceedings to enforce regulations made under clause *e* of subsection 1 may be instituted within one year after the time when the subject-matter of the proceedings arose.

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1963.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1962-63*.

Subsection 2. At present, proceedings to enforce plumbing regulations must be commenced within six months after the time when the subject-matter of the proceedings arose. This period is extended to one year.



An Act to amend The Ontario Water
Resources Commission Act

1st Reading

March 20th, 1963

2nd Reading

March 25th, 1963

3rd Reading

MR. SPOONER

*(Reprinted as amended by the
Committee on Municipal Law)*

BILL 114

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Ontario Water Resources Commission Act

MR. SPOONER

BILL 114

1962-63

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2, as re-enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, and subsections 3, 4 and 5, as enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, of section 10 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2
(1960-61,
c. 71, s. 2);
re-enacted;
subs. 3-5
(1960-61,
c. 71, s. 2),
repealed

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'
superannua-
tion
benefits
R.S.O. 1960,
c. 332

2. Subsection 1 of section 16 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 281, s. 16,
subs. 1,
amended

(ea) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage, and to charge fees in respect thereof.

3. Section 28 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 28,
re-enacted

28.—(1) The Commission may define an area that includes a source of public water supply,

Area
defined for
protection
of public
water
supply

(a) wherein no person shall swim or bathe and no material of any kind that may impair the quality of the water therein shall be placed, deposited, discharged or allowed to remain; or

- (b) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Commission deems necessary for the protection of the source of public water supply.

Offences

- (2) Every person,
- (a) who swims or bathes within an area defined under clause *a* of subsection 1 or who places, deposits, discharges or allows to remain within such an area any material of any kind that may impair the quality of the water therein; or
 - (b) who does any act or takes water within an area defined under clause *b* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Application

- (3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
subs. 2,
cl. a,
amended

4.—(1) Clause *a* of subsection 2 of section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by inserting after “are” in the second line “constructed”, so that the clause shall read as follows:

- (a) by means of a well or wells or excavation or excavations that are constructed, bored, drilled, dug or deepened after this section comes into force; or

(2) Subsection 5 of the said section 28a, as enacted by sub-^{R.S.O. 1960,}
 section 2 of section 6 of *The Ontario Water Resources Com-*^{c. 281, s. 28a,}
mission Amendment Act, 1961-62, is amended by striking out ^{subs. 5}
 "\$50" in the fifth line and inserting in lieu thereof "\$200", ^{(1961-62,}
^{c. 99, s. 6,}
^{subs. 2),}
 so that the subsection shall read as follows: amended

- (5) Every person who contravenes subsection 2 or any ^{Offence}
 of the terms and conditions of a permit issued by the
 Commission is guilty of an offence and on summary
 conviction is liable to a fine of not more than \$200
 for every day the contravention continues.

5. Subsection 9 of section 32 of *The Ontario Water Resources* ^{R.S.O. 1960,}
Commission Act is amended by striking out "the sewage works" ^{c. 281, s. 32,}
 constituted a public utility owned by the municipality" in ^{subs. 9,}
 the sixth and seventh lines and inserting in lieu thereof "the ^{amended}
 municipality itself were proposing to construct, were con-
 structing or had constructed the works or were operating and
 maintaining the works", so that the subsection shall read as
 follows:

- (9) Where an agreement is made under subsection 7 or ^{Municip-}
 an order is made under subsection 8, the municip- ^{ality may}
 pality into which the sewage works are extended may ^{collect as}
 assess, levy and collect as taxes the amounts to be ^{taxes}
 paid under the agreement or order in the same manner ^{amounts}
 and to the same extent as if the municipality itself ^{agreed or}
 were proposing to construct, were constructing or ^{ordered to}
 had constructed the works or were operating and ^{be paid}
 maintaining the works.

6. Section 41 of *The Ontario Water Resources Commission* ^{R.S.O. 1960,}
Act is amended by adding thereto the following subsection: ^{c. 281, s. 41,}
^{amended}

- (1a) Where a by-law under subsection 1 imposes a sewer ^{Commuta-}
 rate or water works rate upon owners or occupants ^{tion of}
 of land, the council of the municipality may provide ^{rates}
 for commutation for a payment in cash of the whole
 or any part of the rate imposed and may prescribe
 the terms and conditions thereof.

7.—(1) Subsection 1 of section 47 of *The Ontario Water* ^{R.S.O. 1960,}
Resources Commission Act, as amended by section 14 of *The* ^{c. 281, s. 47,}
Ontario Water Resources Commission Amendment Act, 1961-62, ^{subs. 1,}
 is further amended by adding thereto the following clause: ^{amended}

- (kb) providing for a grievance board and prescribing its
 jurisdiction, powers and duties, including any powers
 that may be conferred upon a commission under *The* ^{R.S.O. 1960,}
Public Inquiries Act, designating the classes of its ^{c. 323}

employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances.

R.S.O. 1960,
c. 281, s. 47,
amended

(2) The said section 47 is amended by adding thereto the following subsection:

Proceedings
to enforce
plumbing
regulations

(4) Proceedings to enforce regulations made under clause *e* of subsection 1 may be instituted within one year after the time when the subject-matter of the proceedings arose.

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1963.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1962-63*.

An Act to amend The Ontario Water
Resources Commission Act

1st Reading

March 20th, 1963

2nd Reading

March 25th, 1963

3rd Reading

April 26th, 1963

MR. SPOONER

BILL 115

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Hours of Work and Vacations with Pay Act

MR. GISBORN

EXPLANATORY NOTE

The purpose of this Bill is to increase the mandatory vacation with pay period from one week a year to two weeks a year during the first four years on the job and to three weeks a year thereafter.

BILL 115

1962-63

**An Act to amend
The Hours of Work and Vacations with Pay Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 2 of *The Hours of Work and Vacations with Pay Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 181, s. 2, subs. 2-4, re-enacted

(2) Every employee in an industrial undertaking is Vacation with pay entitled,

(a) after each year of his employment with any one employer, during the first five years of such employment, to a vacation of at least two weeks with pay;

(b) after each year of his employment with any one employer, after the first five years of such employment, to a vacation of at least three weeks with pay.

(3) The vacation pay shall be the average wage of the employee during the year immediately preceding the date upon which the vacation commences for the period of the vacation. Calculation of vacation pay

(4) The employer may determine the period when the employee may take the vacation provided for in subsection 1, but the period shall not be later than ten months after the end of the work year to which the vacation relates. When vacation to be taken

(5) Subject to subsection 4, where an employee who is entitled to a vacation of two weeks wishes to take his vacation, Vacation pay, when payable

- (a) in one period of two weeks, his vacation pay shall be paid to him in full by his employer during the fourteen days immediately preceding the commencement of his vacation; or
- (b) in two periods of one week each, one-half of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the two periods.

Idem

(6) Subject to subsection 4, where an employee who is entitled to a vacation of three weeks wishes to take his vacation,

- (a) in one period of three weeks, his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of his vacation;

- (b) in one period of two weeks and one period of one week,

- (i) two-thirds of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of two weeks, and

- (ii) one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of one week;

- (c) in three periods of one week each, one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the three periods; or

- (d) in two periods of more than one week but less than two weeks each, the sum that bears the same proportion to his vacation pay as the number of days comprising the period bears to twenty-one shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period to which the pay relates.

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent.
ment

3. This Act may be cited as *The Hours of Work and Vaca-* ^{Short title}
tions with Pay Amendment Act, 1962-63.



EXPLANATORY NOTES

SECTION 1. Under recent amendments to the *Criminal Code*, magistrates are authorized to remand "for 30 days for observation" where there is indication of mental illness. This amendment is complementary to the *Criminal Code* amendment and clarifies the status of these persons.

SECTION 2. Complementary to section 7 of this Bill.

SECTIONS 3 and 4. Section 19 of the Act applies to a person "who is mentally ill or mentally defective". A person is remanded under the *Criminal Code* where "there is reason to believe that he (the accused) is mentally ill", that is, who may or may not be mentally ill. Accordingly, for clarification, reference to these persons who are remanded is removed from section 19 and section 19a is enacted to deal with them.

BILL 116

1962-63

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Mental Hospitals Act* is amended by adding at the end thereof "but does not include a person remanded for observation under the *Criminal Code* (Canada)", so that the clause shall read as follows:

R.S.O. 1960,
c. 236, s. 1,
cl. *g*,
amended

(*g*) "patient" means a person admitted under this Act and the regulations to an institution, but does not include a person remanded for observation under the *Criminal Code* (Canada).

1953-54,
c. 51 (Can.)

2. Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 236, s. 5,
subs. 2,
amended

(*na*) providing for the operation, maintenance and management of industrial rehabilitation centres, including the entering into and carrying out of contracts for,

(i) the purchase of goods, wares and merchandise for use therein,

(ii) the sale of goods, wares and merchandise prepared or manufactured therein, and

(iii) supplying services to be performed therein,

prescribing the remuneration to be paid or credited to patients employed in such centres, and prescribing the classes of patients that may be employed therein.

3. Clause *d* of section 19 of *The Mental Hospitals Act*, as amended by section 2 of *The Mental Hospitals Amendment Act, 1961-62*, is further amended by striking out "or the *Criminal Code* (Canada)" in the amendment of 1961-62, so that the clause shall read as follows:

R.S.O. 1960,
c. 236, s. 19,
cl. *d*,
amended

(d) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations.

R.S.O. 1960,
c. 236,
amended

4. *The Mental Hospitals Act* is amended by adding thereto the following section:

Admission
on remand
1953-54,
c. 51 (Can.)

19a. Any person who is remanded to an institution by any remanding authority under the *Criminal Code* (Canada) may be admitted to that institution.

R.S.O. 1960,
c. 236, s. 28,
subs. 4, 5,
re-enacted

5. Subsections 4 and 5 of section 28 of *The Mental Hospitals Act* are repealed and the following substituted therefor:

Apprehen-
sion without
warrant

(4) Any person apparently mentally ill or mentally defective and conducting himself in a manner that in a normal person would be disorderly may be apprehended without a warrant by any peace officer and,

(a) conveyed to a hospital in accordance with section 28a; or

(b) detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 31.

Proceedings
on appre-
hension

(5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant issued under subsection 1 or has been detained under clause *b* of subsection 4, he shall be brought before a magistrate, and the magistrate may thereupon by his order in the prescribed form direct that the person be confined in a safe and comfortable place, or in the custody of the constable, or in such other safe custody as the magistrate deems fit, until the question of his mental condition is determined.

R.S.O. 1960,
c. 236, s. 38,
subs. 1,
re-enacted

6. Subsection 1 of section 38 of *The Mental Hospitals Act*, as amended by section 4 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Admission
on order
of judge
or
magistrate

(1) Where a person has been apprehended either with or without a warrant and charged with any offence, a judge or magistrate may, by order, remand that person to an institution for a period not exceeding sixty days if the order is accompanied by the prescribed history form.

R.S.O. 1960,
c. 236,
amended

7. *The Mental Hospitals Act* is amended by adding thereto the following section:

SECTION 5. Subsections 4 and 5 of section 28 are re-enacted so that it will be clear that "emergency patients" admitted to an institution under section 28a are not required to appear before a magistrate.

SECTION 6. The authority of a judge or magistrate to remand under section 38 is clarified.

SECTION 7. Self-explanatory.

SECTION 8. Persons are admitted to institutions under *The Mental Hospitals Act* in almost all cases upon the certificates of physicians.

These amendments,

1. increase the maximum fee from \$10 to \$15 for examination and certification;
2. authorize regulations permitting the Department of Health to pay physicians charges for examination and certification; and
3. bring the recovery provisions into line with 2.

- 71a.—(1) In this section, “patient”, in addition to its ^{Interpre-} meaning in section 1, includes persons designated by ^{tation} the regulations.
- (2) The Minister may establish accommodations and facilities in hospitals for the beneficial employment of ^{Industrial} patients to be known as “industrial rehabilitation ^{rehabili-} centres” ^{tation} ^{centres}.
- (3) The industrial rehabilitation centres shall be operated, ^{Operation} maintained and managed in accordance with the regulations.
- (4) Where the superintendent of a hospital is of the ^{Employment} opinion that employment in the industrial rehabilita- ^{of patients} tion centre of the hospital will benefit any patient, he may permit him to engage in such employment.
- (5) A patient employed in an industrial rehabilitation ^{Payment} centre shall receive or be credited with such re- ^{of} muneration upon such conditions as the regulations ^{of} prescribe.

8.—(1) Subsection 1 of section 72 of *The Mental Hospitals Act* is amended by striking out “\$10” in the third line and inserting in lieu thereof “\$15” and by inserting after “certifi- ^{R.S.O. 1960,} cate” in the fifth line “or submits a report”, so that the sub- ^{c. 236, s. 72,} section shall read as follows: ^{subs. 1,} ^{amended}

- (1) The necessary costs and expenses incurred under ^{Liability of} sections 26 to 32 and section 38 in determining the ^{municipality} mental condition of a person, including a fee not exceeding \$15 and a travelling allowance of 10 cents per mile of each medical practitioner who issues a certificate or submits a report in respect of the person and the necessary expenses incurred in conveying the person to and from an institution, shall be paid by the municipality from which the person came or was sent to an institution.
- (2) The said section 72 is amended by adding thereto the ^{R.S.O. 1960,} following subsection: ^{c. 236, s. 72,} ^{amended}
- (1a) The Lieutenant Governor in Council may make ^{Saving} regulations exempting municipalities from costs and expenses incurred in determining the mental condition of a person under any section mentioned in subsection 1 and provide for payment of such costs and expenses by the Department upon such terms and conditions as may be prescribed by the regulations.

R.S.O. 1960,
c. 236, s. 72,
subs. 2,
amended

(3) Subsection 2 of the said section 72 is amended by inserting after "expenses" in the second line "incurred by a municipality under subsection 1 or by the Department under subsection 1a" and by inserting after "municipality" in the second line "or the Department, as the case may be", so that the subsection shall read as follows:

Recovery
from
estate, etc.

- (2) Where the person is not in destitute circumstances, the costs and expenses incurred by a municipality under subsection 1 or by the Department under subsection 1a may be recovered by the municipality or the Department, as the case may be, from his estate or from him or the person liable for his maintenance.

R.S.O. 1960,
c. 236, s. 77,
repealed

9.—(1) Section 77 of *The Mental Hospitals Act* is repealed.

Sums due
under
R.S.O. 1960,
c. 236, s. 77,
deemed
paid

(2) Any sum that is due and owing as a result of the liability heretofore imposed under section 77 of *The Mental Hospitals Act* shall be deemed to have been fully paid and satisfied.

R.S.O. 1960,
c. 236, s. 83,
re-enacted

10. Section 83 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1960-61* and section 9 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Where
Public
Trustee not
committee

83. The Public Trustee is not the committee of the estate of,

- (a) a voluntary patient;
- (b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations;
- (c) an habitue patient during the period he is admitted temporarily under section 51;
- (d) a person admitted under section 22 or remanded under the *Criminal Code* (Canada); or
- (e) a patient admitted under section 28a,

1953-54,
c. 51 (Can.)

unless the person or the patient in writing, signed and sealed by him, appoints the Public Trustee as committee or the Supreme Court appoints the Public Trustee as committee.

SECTION 9—Subsection 1. This amendment repeals section 77 of the Act which provides that a parent is liable for the maintenance of his child who is a patient in an institution and which by judicial interpretation means a child of any age, e.g., six or sixty.

Subsection 2. Self-explanatory.

SECTION 10. The Public Trustee is the committee of the estates of all patients in Ontario Hospitals except those specifically mentioned in section 83 and elsewhere. Thirty-day certificate patients and "emergency admission" patients are added to the list of exceptions.



11.—(1) This Act, except section 9, comes into force on ^{Commence-}the day it receives Royal Assent.
ment

(2) Section 9 comes into force on the 1st day of July, 1963. ^{Idem}

12. This Act may be cited as *The Mental Hospitals Amend-* ^{Short title}
ment Act, 1962-63.

An Act to amend
The Mental Hospitals Act

1st Reading

March 25th, 1963

2nd Reading

3rd Reading

MR. DYMOND

BILL 116

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Mental Hospitals Act

MR. DYMOND



BILL 116

1962-63

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of section 1 of *The Mental Hospitals Act* is amended by adding at the end thereof "but does not include a person remanded for observation under the *Criminal Code* (Canada)", so that the clause shall read as follows:

R.S.O. 1960,
c. 236, s. 1,
cl. *q*,
amended

(*q*) "patient" means a person admitted under this Act and the regulations to an institution, but does not include a person remanded for observation under the *Criminal Code* (Canada).

1953-54,
c. 51 (Can.)

2. Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 236, s. 5,
subs. 2,
amended

(*na*) providing for the operation, maintenance and management of industrial rehabilitation centres, including the entering into and carrying out of contracts for,

(i) the purchase of goods, wares and merchandise for use therein,

(ii) the sale of goods, wares and merchandise prepared or manufactured therein, and

(iii) supplying services to be performed therein,

prescribing the remuneration to be paid or credited to patients employed in such centres, and prescribing the classes of patients that may be employed therein.

3. Clause *d* of section 19 of *The Mental Hospitals Act*, as amended by section 2 of *The Mental Hospitals Amendment Act, 1961-62*, is further amended by striking out "or the *Criminal Code* (Canada)" in the amendment of 1961-62, so that the clause shall read as follows:

R.S.O. 1960,
c. 236, s. 19,
cl. *d*,
amended

- (d) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations.

R.S.O. 1960,
c. 236,
amended

4. *The Mental Hospitals Act* is amended by adding thereto the following section:

Admission
on remand
1953-54,
c. 51 (Can.)

19a. Any person who is remanded to an institution by any remanding authority under the *Criminal Code* (Canada) may be admitted to that institution.

R.S.O. 1960,
c. 236, s. 28,
subss. 4, 5,
re-enacted

5. Subsections 4 and 5 of section 28 of *The Mental Hospitals Act* are repealed and the following substituted therefor:

Apprehen-
sion without
warrant

(4) Any person apparently mentally ill or mentally defective and conducting himself in a manner that in a normal person would be disorderly may be apprehended without a warrant by any peace officer and,

(a) conveyed to a hospital in accordance with section 28a; or

(b) detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 31.

Proceedings
on appre-
hension

(5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant issued under subsection 1 or has been detained under clause b of subsection 4, he shall be brought before a magistrate, and the magistrate may thereupon by his order in the prescribed form direct that the person be confined in a safe and comfortable place, or in the custody of the constable, or in such other safe custody as the magistrate deems fit, until the question of his mental condition is determined.

R.S.O. 1960,
c. 236, s. 38,
subs. 1,
re-enacted

6. Subsection 1 of section 38 of *The Mental Hospitals Act*, as amended by section 4 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Admission
on order
of judge
or
magistrate

(1) Where a person has been apprehended either with or without a warrant and charged with any offence, a judge or magistrate may, by order, remand that person to an institution for a period not exceeding sixty days if the order is accompanied by the prescribed history form.

R.S.O. 1960,
c. 236,
amended

7. *The Mental Hospitals Act* is amended by adding thereto the following section:

71a.—(1) In this section, “patient”, in addition to its ^{Interpre-} meaning in section 1, includes persons designated by ^{tation} the regulations.

(2) The Minister may establish accommodations and ^{Industrial} facilities in hospitals for the beneficial employment of ^{rehabili-} patients to be known as “industrial rehabilitation ^{tation} centres”.

(3) The industrial rehabilitation centres shall be operated, ^{Operation} maintained and managed in accordance with the regulations.

(4) Where the superintendent of a hospital is of the ^{Employment} opinion that employment in the industrial rehabilita- ^{of patients} tion centre of the hospital will benefit any patient, he may permit him to engage in such employment.

(5) A patient employed in an industrial rehabilitation ^{Payment} centre shall receive or be credited with such re- ^{ment} muneration upon such conditions as the regulations prescribe.

8.—(1) Subsection 1 of section 72 of *The Mental Hospitals Act* is amended by striking out “\$10” in the third line and inserting in lieu thereof “\$15” and by inserting after “certifi- ^{R.S.O. 1960,} ^{c. 236, s. 72,} ^{subs. 1,} ^{amended} cate” in the fifth line “or submits a report”, so that the sub- section shall read as follows:

(1) The necessary costs and expenses incurred under ^{Liability of} sections 26 to 32 and section 38 in determining the ^{municipality} mental condition of a person, including a fee not exceeding \$15 and a travelling allowance of 10 cents per mile of each medical practitioner who issues a certificate or submits a report in respect of the person and the necessary expenses incurred in conveying the person to and from an institution, shall be paid by the municipality from which the person came or was sent to an institution.

(2) The said section 72 is amended by adding thereto the ^{R.S.O. 1960,} ^{c. 236, s. 72,} ^{amended} following subsection:

(1a) The Lieutenant Governor in Council may make ^{Saving} regulations exempting municipalities from costs and expenses incurred in determining the mental condition of a person under any section mentioned in subsection 1 and provide for payment of such costs and expenses by the Department upon such terms and conditions as may be prescribed by the regula- tions.

R.S.O. 1960,
c. 236, s. 72,
subs. 2,
amended

(3) Subsection 2 of the said section 72 is amended by inserting after "expenses" in the second line "incurred by a municipality under subsection 1 or by the Department under subsection 1a" and by inserting after "municipality" in the second line "or the Department, as the case may be", so that the subsection shall read as follows:

Recovery
from
estate, etc.

(2) Where the person is not in destitute circumstances, the costs and expenses incurred by a municipality under subsection 1 or by the Department under subsection 1a may be recovered by the municipality or the Department, as the case may be, from his estate or from him or the person liable for his maintenance.

R.S.O. 1960,
c. 236, s. 77,
repealed

9.—(1) Section 77 of *The Mental Hospitals Act* is repealed.

Sums due
under
R.S.O. 1960,
c. 236, s. 77,
deemed
paid

(2) Any sum that is due and owing as a result of the liability heretofore imposed under section 77 of *The Mental Hospitals Act* shall be deemed to have been fully paid and satisfied.

R.S.O. 1960,
c. 236, s. 83,
re-enacted

10. Section 83 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1960-61* and section 9 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Where
Public
Trustee not
committee

83. The Public Trustee is not the committee of the estate of,

- (a) a voluntary patient;
- (b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations;
- (c) an habitue patient during the period he is admitted temporarily under section 51;
- (d) a person admitted under section 22 or remanded under the *Criminal Code* (Canada); or
- (e) a patient admitted under section 28a,

1953-54,
c. 51 (Can.)

unless the person or the patient in writing, signed and sealed by him, appoints the Public Trustee as committee or the Supreme Court appoints the Public Trustee as committee.

11.—(1) This Act, except section 9, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}

(2) Section 9 comes into force on the 1st day of July, 1963. ^{Idem}

12. This Act may be cited as *The Mental Hospitals Amendment Act, 1962-63*. ^{Short title}

An Act to amend
The Mental Hospitals Act

1st Reading

March 25th, 1963

2nd Reading

March 29th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 117

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Air Pollution Control Act

MR. DYMOND

EXPLANATORY NOTE

The purpose of this Bill is to provide for control at the provincial level of the emission of air contaminants from factories, etc., of a class designated in the regulations.

BILL 117

1962-63

An Act to amend The Air Pollution Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 12,
amended

6a.—(1) In this section, Interpre-
tation

- (a) "construct" includes erect, reconstruct, install, alter and repair;
- (b) "industrial source" means any action, operation or treatment embracing chemical, industrial or manufacturing processes that may be a source of an air contaminant, but does not include fuel-burning equipment used solely for the purpose of heating, generating power or processing steam.
- (2) No person shall construct an industrial source to Approval
of plans which this section is made applicable by the regulations unless the plans and specifications thereof have been approved by the Minister.
- (3) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations
 - (a) classifying industrial sources and designating the classes thereof to which this section applies;
 - (b) prohibiting or regulating and controlling the emission of air contaminants from industrial sources;
 - (c) respecting the approval of plans and specifications for industrial sources.

Conflict

- (4) In the event of conflict between a regulation made under this section and any municipal by-law, the regulation prevails.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Air Pollution Control Amendment Act, 1962-63*.

An Act to amend
The Air Pollution Control Act

1st Reading

March 25th, 1963

2nd Reading

3rd Reading

MR. DYMOND

BILL 117

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Air Pollution Control Act

MR. DYMOND



BILL 117

1962-63

An Act to amend The Air Pollution Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 12,
amended

6a.—(1) In this section,

Interpre-
tation

(a) “construct” includes erect, reconstruct, install, alter and repair;

(b) “industrial source” means any action, operation or treatment embracing chemical, industrial or manufacturing processes that may be a source of an air contaminant, but does not include fuel-burning equipment used solely for the purpose of heating, generating power or processing steam.

(2) No person shall construct an industrial source to which this section is made applicable by the regulations unless the plans and specifications thereof have been approved by the Minister. Approval
of plans

(3) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

(a) classifying industrial sources and designating the classes thereof to which this section applies;

(b) prohibiting or regulating and controlling the emission of air contaminants from industrial sources;

(c) respecting the approval of plans and specifications for industrial sources.

- Conflict** (4) In the event of conflict between a regulation made under this section and any municipal by-law, the regulation prevails.
- Commence-
ment** **2.** This Act comes into force on the day it receives Royal Assent.
- Short title** **3.** This Act may be cited as *The Air Pollution Control Amendment Act, 1962-63*.



An Act to amend
The Air Pollution Control Act

1st Reading

March 25th, 1963

2nd Reading

March 29th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 118

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Medical Act

MR. DYMOND

EXPLANATORY NOTES

SECTIONS 1 and 2. These sections of the Bill are designed,

- (a) to redefine the disciplinary jurisdiction of the College of Physicians and Surgeons of Ontario;
- (b) to give executive power in certain cases to the discipline committee of the Council of the College;
- (c) to define the respective authority and duties of the registrar of the College and the discipline committee of the Council in disciplinary matters; and
- (d) to re-organize and supplement existing provisions as to procedure, and to provide evidentiary rules in disciplinary matters.

BILL 118

1962-63

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 33 and 34 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 234,
ss. 33, 34,
re-enacted

33.—(1) In this section and in sections 34 to 41c, Interpre-
tation
“member” means a medical practitioner registered on any register now or hereafter maintained by the College pursuant to this Act.

(2) A member of the College who is alleged to be guilty of professional misconduct is subject to the disciplinary action and liable to the penalties hereinafter provided. Members
liable to
disciplinary
action

(3) A member is guilty of professional misconduct, What
constitutes
professional
misconduct

(a) if he has been convicted in Canada of an indictable offence, or elsewhere of an offence that, if committed in Canada, would be an indictable offence, upon proof of such conviction;

(b) if his rights or privileges under the *Narcotics Control Act* (Canada) or the *Food and Drug Act* (Canada) or the regulations under either of them have been restricted or withdrawn, upon proof thereof; or 1960-61,
c. 35 (Can.)
1962-63,
c. 38 (Can.)

(c) if he has been guilty, in the opinion of the discipline committee or Council, of misconduct in a professional respect or of conduct unbecoming a medical practitioner.

Where
inquiry
to be made

- (4) Except in cases under subsection 5, the Council or the executive committee thereof may direct that an inquiry be made by the discipline committee into any alleged professional misconduct, and, upon the written application of any four members of the College setting forth particulars of any alleged professional misconduct, an inquiry shall be directed, if in the opinion of the Council or the executive committee there appears to be sufficient evidence of professional misconduct to warrant the making of an inquiry.

Erasure of
name upon
conviction
for criminal
offence in
connection
with
practice

- (5) In the case of a conviction after registration under this Act for a criminal offence committed in connection with the practice of his profession, the member shall be deemed to be guilty of professional misconduct and his name shall be erased from the register by the registrar forthwith upon proof of such conviction.

Discipline
committee

- 34.—(1) The Council shall appoint five members of the Council as a committee to be known as the discipline committee for the purpose of exercising the disciplinary functions designated by this Act.

Quorum

- (2) Three members of the discipline committee constitute a quorum, whether or not a vacancy exists on the committee.

Vacancies,
etc.

- (3) In the case of a vacancy in the membership of the discipline committee or if a member is unable or unwilling to act as the result of illness or for any other reason, the president or, in his absence, the vice-president may appoint a member in his place.

By-laws

- (4) The Council may make by-laws governing the tenure of office of members of the discipline committee, the appointment of a chairman, the summoning and conduct of its meetings, and the practice and procedure and the transaction of business thereat.

Meeting
place;
assistance

- (5) The College shall provide the discipline committee with a suitable place for holding its meetings, the services of counsel and a reporter, and such other assistance as is necessary or proper to enable it to properly perform its duties.

R.S.O. 1960,
c. 234,
ss. 36-41,
re-enacted

2. Sections 36 to 41 of *The Medical Act* are repealed and the following substituted therefor:

36. The discipline committee shall,
- Function of
discipline
committee
in
disciplinary
matters
- (a) inquire into the conduct of any member when so directed by the Council or the executive committee thereof;
 - (b) hold hearings into charges made against members in accordance with the practice and procedure prescribed by the by-laws;
 - (c) inquire into and report to the Council upon an application by a former member to have his name restored to the register; and
 - (d) perform such other duties as are assigned to it by the Council.
- 37.—(1) The registrar shall cause a notice to be served upon the person whose conduct is the subject of inquiry at least two weeks before the hearing, and the notice shall embody a copy of the charges made against him or a statement of the subject-matter of the inquiry, and shall also specify the time and place of the hearing.
- Notice of
hearing
- (2) The notice required by subsection 1 shall be deemed to have been duly served if sent by registered mail to the address of the person required to be served, as last known to the registrar, and proof of such service may be made by affidavit.
- Service of
notice
- (3) Upon a hearing, the member whose conduct is the subject of the inquiry is entitled to be present and to be represented by counsel.
- Counsel
- (4) Where a member fails to attend a hearing after receiving due notice thereof, the discipline committee may, upon proof of service of such notice, proceed with the inquiry in his absence without further notice to such member.
- When
hearing
may proceed
- 38.—(1) Any person who would be a competent and compellable witness at the trial of a civil action in Ontario is a competent and compellable witness at a hearing of the discipline committee, and the evidence adduced thereat shall be governed by *The Evidence Act* and the rules of evidence in civil proceedings in Ontario, except that,
- Witnesses
and
evidence

R.S.O. 1960,
c. 125

- (a) where any matter is tendered as evidence that would not be admissible as such at the trial of a civil action in Ontario, the committee may receive such evidence if it is satisfied that its duty of making due inquiry into the case before it makes its reception desirable; and
- (b) any letter, statement, prescription, certificate, record or other document purporting to be signed by a registered medical practitioner and any account for professional services that is on an account form bearing his name is *prima facie* evidence that the document was signed or, in the case of an account, was authorized by him, and is *prima facie* evidence of the statements contained in the document or account.

Subpoenas

- (2) The College and the member whose conduct is the subject of an inquiry may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

Testimony under oath, etc.

- (3) The testimony of witnesses at hearings of the discipline committee shall be taken under oath to be administered by the chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply.

Further functions of discipline committee

- 39.—(1) Where after a hearing the discipline committee finds that a member is guilty of professional misconduct, it may,
 - (a) suspend the member for a period not exceeding three months from the register on which he is registered;
 - (b) direct that the member be reprimanded and, if deemed warranted, that the fact of such reprimand be recorded on the register;

- (c) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate, and that, upon compliance with the terms, any penalty be remitted;
 - (d) direct that the member pay to the College the costs of and incidental to the inquiry, which may include the cost of reporting and transcribing the evidence.
- (2) The costs shall be taxed on the Supreme Court scale ^{Costs to be taxed} by the senior taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College, as upon a judgment in an action in such court.
- (3) Where the discipline committee is of the opinion ^{Reference to Council} that the name of the member should be erased or that the term of suspension should exceed three months, it shall make a report of the facts and its findings and recommendations thereon to the Council, and may therewith transmit a transcript of the evidence taken at its inquiry.
- 40.—(1) The powers and duties of the Council in disciplinary matters are, ^{Function of Council in disciplinary matters}
- (a) to receive and record reports of the discipline committee in respect of cases that have been completely dealt with by the committee and from which no appeal has been taken;
 - (b) to receive and consider reports of the discipline committee,
 - (i) in cases in which the committee is of the opinion that the penalty imposed should be the erasure of the name of the member, or that he should be suspended as a member for a period in excess of three months,
 - (ii) in cases of appeal from the decision of the committee,
 - (iii) in applications for restoration of a member's name to the register,

and to make such findings and orders in respect thereof and impose such penalties as the Council considers proper.

Idem

- (2) The Council may act upon the report of the discipline committee or may require that it be furnished with a transcript of the evidence taken, and may refer the matter back to the committee to take additional evidence.

Idem

- (3) The Council may impose upon a member any penalty that the discipline committee is authorized to impose or may direct that the name of the member concerned be erased from the register or that he be suspended as a member for such period as the Council considers proper.

Idem

- (4) The Council may direct that the restoration of the name of a member to the register be subject to the payment by the member of such fee, not exceeding the initial registration fee, as the Council specifies.

Appeals

- 41.—(1) Any member aggrieved or any two members of the Council may appeal to the Council from any decision or order of the discipline committee, and any member aggrieved may appeal to the Court of Appeal from any decision or order of the Council at any time within thirty days from the date of the decision or order complained of, and the Council or the Court of Appeal, as the case may be, may upon the hearing of such appeal make such order in the matter and as to the costs of the hearing of the appeal as the Council or the Court of Appeal deems proper.

Idem

- (2) The appeal may be by motion, notice of which shall be served upon the registrar, and shall be founded upon a copy of the proceedings before the discipline committee, the evidence taken, the committee's report and the orders of the committee and of the Council in the matter, certified by the registrar, and the registrar shall, upon the request of any member desiring to appeal and upon payment of the cost thereof, furnish such member with a certified copy of all proceedings, evidence, reports, orders and papers upon which the committee and the Council have acted in making the decision or order complained of, but, in the case of an appeal by two members of the Council, the registrar shall furnish the material without charge.

SECTIONS 3 and 4. The amendments contained in these sections of the Bill increase the maximum penalties that may be imposed for the various offences under the Act.

41a.—(1) The registrar in disciplinary matters shall, Function of registrar in disciplinary matters

(a) erase from the register the name of a member whose name the Council has directed to be erased, and shall record the date of the erasure;

(b) enter on the register,

(i) the suspension of a member whose registration the committee or the Council has directed to be suspended,

(ii) the fact that a member was reprimanded, in cases in which the committee or the Council has directed that such reprimand be recorded on the register,

stating the date of the order of suspension or reprimand and the period of suspension;

(c) enter on the register the date and terms of any order made by the Court of Appeal and comply with its terms.

(2) The registrar shall not make such erasure or entry Idem until the time for appeal from the decision or order has expired without an appeal being taken or, if taken, has been disposed of.

41b. No action shall be brought against the College or any officer thereof or any member of the Council for or in respect of anything done in good faith under this Act. Actions against College, etc., barred

41c. While the name of any member is erased, or during his suspension from membership, it is unlawful for him to engage in the practice of medicine, surgery or midwifery and he shall during such period be deemed to be unregistered, and, if he practises medicine, surgery or midwifery during such period, he is guilty of an offence and on summary conviction is liable to the penalties prescribed by this Act relating to practise by unregistered persons. Practise during suspension prohibited

3. Sections 51 and 52 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 234, ss. 51, 52, re-enacted

51. No person not registered shall practise medicine, surgery or midwifery for hire, gain or hope of reward, and, if any person not registered pursuant to this Act, for hire, gain or hope of reward, practises or professes to practise medicine, surgery or midwifery, Penalty for practising medicine without registration

or advertises to give advice in medicine, surgery or midwifery, he is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Penalty for
pretending
to be
physician

52. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

R.S.O. 1960,
c. 234, s. 53,
subs. 1,
re-enacted

4. Subsection 1 of section 53 of *The Medical Act* is repealed and the following substituted therefor:

Penalty for
unauthorized
use of title

- (1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor", "Surgeon" or "Physician" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Medical Amendment Act, 1962-63*.



An Act to amend The Medical Act

1st Reading

March 25th, 1963

2nd Reading

3rd Reading

MR. DYMOND

BILL 118

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Medical Act

MR. DYMOND

(Reprinted as amended by the Committee on Health and Welfare)

EXPLANATORY NOTES

SECTIONS 1 and 2. These sections of the Bill are designed,

- (a) to redefine the disciplinary jurisdiction of the College of Physicians and Surgeons of Ontario;
- (b) to give executive power in certain cases to the discipline committee of the Council of the College;
- (c) to define the respective authority and duties of the registrar of the College and the discipline committee of the Council in disciplinary matters; and
- (d) to re-organize and supplement existing provisions as to procedure, and to provide evidentiary rules in disciplinary matters.

BILL 118

1962-63

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 33 and 34 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 234,
ss. 33, 34,
re-enacted

33.—(1) In this section and in sections 34 to 41c, Interpre-
tation
“member” means a medical practitioner registered on any register now or hereafter maintained by the College pursuant to this Act.

(2) A member of the College who is alleged to be guilty of professional misconduct is subject to the disciplinary action and liable to the penalties hereinafter provided. Members
liable to
disciplinary
action

(3) A member is guilty of professional misconduct, What
constitutes
professional
misconduct

(a) if he has been convicted in Canada of an indictable offence, or elsewhere of an offence that, if committed in Canada, would be an indictable offence, upon proof of such conviction;

(b) if his rights or privileges under the *Narcotics Control Act* (Canada) or the *Food and Drug Act* (Canada) or the regulations under either of them have been restricted or withdrawn, upon proof thereof; or 1960-61,
c. 35 (Can.),
1962-63,
c. 38 (Can.)

(c) if he has been guilty, in the opinion of the discipline committee or Council, of misconduct in a professional respect or of conduct unbecoming a medical practitioner.

Where
inquiry
to be made

- (4) Except in cases under subsection 5, the Council or the executive committee thereof may direct that an inquiry be made by the discipline committee into any alleged professional misconduct, and, upon the written application of any four members of the College setting forth particulars of any alleged professional misconduct, an inquiry shall be directed, if in the opinion of the Council or the executive committee there appears to be sufficient evidence of professional misconduct to warrant the making of an inquiry.

Erasure of
name upon
conviction
for criminal
offence in
connection
with
practice

- (5) In the case of a conviction after registration under this Act for a criminal offence committed in connection with the practice of his profession, the member shall be deemed to be guilty of professional misconduct and his name shall be erased from the register by the registrar forthwith upon proof of such conviction.

Discipline
committee

- 34.—(1) The Council shall appoint five members of the Council as a committee to be known as the discipline committee for the purpose of exercising the disciplinary functions designated by this Act.

Quorum

- (2) Three members of the discipline committee constitute a quorum, whether or not a vacancy exists on the committee.

Vacancies,
etc.

- (3) In the case of a vacancy in the membership of the discipline committee or if a member is unable or unwilling to act as the result of illness or for any other reason, the president or, in his absence, the vice-president may appoint a member in his place.

By-laws

- (4) The Council may make by-laws governing the tenure of office of members of the discipline committee, the appointment of a chairman, the summoning and conduct of its meetings, and the practice and procedure and the transaction of business thereat.

Meeting
place;
assistance

- (5) The College shall provide the discipline committee with a suitable place for holding its meetings, the services of counsel and a reporter, and such other assistance as is necessary or proper to enable it to properly perform its duties.

R.S.O. 1960,
c. 234,
ss. 36-41,
re-enacted

2. Sections 36 to 41 of *The Medical Act* are repealed and the following substituted therefor:

36. The discipline committee shall,

Function of
discipline
committee
in
disciplinary
matters

- (a) inquire into the conduct of any member when so directed by the Council or the executive committee thereof;
- (b) hold hearings into charges made against members in accordance with the practice and procedure prescribed by the by-laws;
- (c) inquire into and report to the Council upon an application by a former member to have his name restored to the register; and
- (d) perform such other duties as are assigned to it by the Council.

37.—(1) The registrar shall cause a notice to be served upon the person whose conduct is the subject of inquiry at least two weeks before the hearing, and the notice shall embody a copy of the charges made against him or a statement of the subject-matter of the inquiry, and shall also specify the time and place of the hearing.

Notice of
hearing

(2) The notice required by subsection 1 shall be deemed to have been duly served if sent by registered mail to the address of the person required to be served, as last known to the registrar, and proof of such service may be made by affidavit.

Service of
notice

(3) Upon a hearing, the member whose conduct is the subject of the inquiry is entitled to be present and to be represented by counsel.

Counsel

(4) Where a member fails to attend a hearing after receiving due notice thereof, the discipline committee may, upon proof of service of such notice, proceed with the inquiry in his absence without further notice to such member.

When
hearing
may proceed

38.—(1) Any person who would be a competent and compellable witness at the trial of a civil action in Ontario is a competent and compellable witness at a hearing of the discipline committee, and the evidence adduced thereat shall be governed by *The Evidence Act* and the rules of evidence in civil proceedings in Ontario, except that,

Witnesses
and
evidence

R.S.O. 1960,
c. 125

- (a) where any matter is tendered as evidence that would not be admissible as such at the trial of a civil action in Ontario, the committee may receive such evidence if it is satisfied that its duty of making due inquiry into the case before it makes its reception desirable; and
- (b) any letter, statement, prescription, certificate, record or other document purporting to be signed by a registered medical practitioner and any account for professional services that is on an account form bearing his name is *prima facie* evidence that the document was signed or, in the case of an account, was authorized by him, and is *prima facie* evidence of the statements contained in the document or account.

Subpoenas

- (2) The College and the member whose conduct is the subject of an inquiry may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

Testimony under oath, etc.

- (3) The testimony of witnesses at hearings of the discipline committee shall be taken under oath to be administered by the chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply.

Further functions of discipline committee

- 39.—(1) Where after a hearing the discipline committee finds that a member is guilty of professional misconduct, it may,
- (a) suspend the member for a period not exceeding three months from the register on which he is registered;
 - (b) direct that the member be reprimanded and, if deemed warranted, that the fact of such reprimand be recorded on the register;

- (c) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate, and that, upon compliance with the terms, any penalty be remitted;
 - (d) direct that the member pay to the College the costs of and incidental to the inquiry, which may include the cost of reporting and transcribing the evidence.
- (2) The costs shall be taxed on the Supreme Court scale ^{Costs to be taxed} by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College, as upon a judgment in an action in such court.
- (3) Where the discipline committee is of the opinion ^{Reference to Council} that the name of the member should be erased or that the term of suspension should exceed three months, it shall make a report of the facts and its findings and recommendations thereon to the Council, and may therewith transmit a transcript of the evidence taken at its inquiry.
- 40.—(1) The powers and duties of the Council in dis- ^{Function of Council in disciplinary matters}ciplinary matters are,
- (a) to receive and record reports of the discipline committee in respect of cases that have been completely dealt with by the committee and from which no appeal has been taken;
 - (b) to receive and consider reports of the discipline committee,
 - (i) in cases in which the committee is of the opinion that the penalty imposed should be the erasure of the name of the member, or that he should be suspended as a member for a period in excess of three months,
 - (ii) in cases of appeal from the decision of the committee,
 - (iii) in applications for restoration of a member's name to the register,

and to make such findings and orders in respect thereof and impose such penalties as the Council considers proper.

Idem

- (2) The Council may act upon the report of the discipline committee or may require that it be furnished with a transcript of the evidence taken, and may refer the matter back to the committee to take additional evidence.

Idem

- (3) The Council may impose upon a member any penalty that the discipline committee is authorized to impose or may direct that the name of the member concerned be erased from the register or that he be suspended as a member for such period as the Council considers proper.

Idem

- (4) The Council may direct that the restoration of the name of a member to the register be subject to the payment by the member of such fee, not exceeding the initial registration fee, as the Council specifies.

Appeals

- 41.—(1) Any member aggrieved or any two members of the Council may appeal to the Council from any decision or order of the discipline committee, and any member aggrieved may appeal to the Court of Appeal from any decision or order of the Council at any time within thirty days from the date of the decision or order complained of, and the Council or the Court of Appeal, as the case may be, may upon the hearing of such appeal make such order in the matter and as to the costs of the hearing of the appeal as the Council or the Court of Appeal deems proper.

Idem

- (2) The appeal may be by motion, notice of which shall be served upon the registrar, and shall be founded upon a copy of the proceedings before the discipline committee, the evidence taken, the committee's report and the orders of the committee and of the Council in the matter, certified by the registrar, and the registrar shall, upon the request of any member desiring to appeal and upon payment of the cost thereof, furnish such member with a certified copy of all proceedings, evidence, reports, orders and papers upon which the committee and the Council have acted in making the decision or order complained of, but, in the case of an appeal by two members of the Council, the registrar shall furnish the material without charge.

SECTIONS 3 and 4. The amendments contained in these sections of the Bill increase the maximum penalties that may be imposed for the various offences under the Act.

41a.—(1) The registrar in disciplinary matters shall, Function of registrar in disciplinary matters

(a) erase from the register the name of a member whose name the Council has directed to be erased, and shall record the date of the erasure;

(b) enter on the register,

(i) the suspension of a member whose registration the committee or the Council has directed to be suspended,

(ii) the fact that a member was reprimanded, in cases in which the committee or the Council has directed that such reprimand be recorded on the register,

stating the date of the order of suspension or reprimand and the period of suspension;

(c) enter on the register the date and terms of any order made by the Court of Appeal and comply with its terms.

(2) The registrar shall not make such erasure or entry Idem until the time for appeal from the decision or order has expired without an appeal being taken or, if taken, has been disposed of.

41b. No action shall be brought against the College or any officer thereof or any member of the Council Actions against College, etc., barred for or in respect of anything done in good faith under this Act.

41c. While the name of any member is erased, or during his suspension from membership, it is unlawful for him to engage in the practice of medicine, surgery or midwifery and he shall during such period be deemed to be unregistered, and, if he practises medicine, surgery or midwifery during such period, he is guilty of an offence and on summary conviction is liable to the penalties prescribed by this Act relating to practise by unregistered persons. Practise during suspension prohibited

3. Sections 51 and 52 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 234, ss. 51, 52, re-enacted

51. No person not registered shall practise medicine, surgery or midwifery for hire, gain or hope of reward, and, if any person not registered pursuant to this Act, for hire, gain or hope of reward, practises or professes to practise medicine, surgery or midwifery, Penalty for practising medicine without registration

or advertises to give advice in medicine, surgery or midwifery, he is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Penalty for
pretending
to be
physician

52. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

R.S.O. 1960,
c. 234, s. 53,
subs. 1,
re-enacted

4. Subsection 1 of section 53 of *The Medical Act* is repealed and the following substituted therefor:

Penalty for
unauthorized
use of title

- (1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor", "Surgeon" or "Physician" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Medical Amendment Act, 1962-63*.



An Act to amend The Medical Act

1st Reading

March 25th, 1963

2nd Reading

March 29th, 1963

3rd Reading

MR. DYMOND

(Reprinted as amended by the
Committee on Health and Welfare)

BILL 118

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Medical Act

MR. DYMOND

BILL 118

1962-63

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 33 and 34 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960
c. 234,
ss. 33, 34,
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33.—(1) In this section and in sections 34 to 41c, Interpre-
tation
“member” means a medical practitioner registered on any register now or hereafter maintained by the College pursuant to this Act.

(2) A member of the College who is alleged to be guilty of professional misconduct is subject to the disciplinary action and liable to the penalties hereinafter provided. Members
liable to
disciplinary
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(3) A member is guilty of professional misconduct, What
constitutes
professional
misconduct

(a) if he has been convicted in Canada of an indictable offence, or elsewhere of an offence that, if committed in Canada, would be an indictable offence, upon proof of such conviction;

(b) if his rights or privileges under the *Narcotics Control Act* (Canada) or the *Food and Drug Act* (Canada) or the regulations under either of them have been restricted or withdrawn, upon proof thereof; or 1960-61,
c. 35 (Can.)
1962-63,
c. 38 (Can.)

(c) if he has been guilty, in the opinion of the discipline committee or Council, of misconduct in a professional respect or of conduct unbecoming a medical practitioner.

Where
inquiry
to be made

- (4) Except in cases under subsection 5, the Council or the executive committee thereof may direct that an inquiry be made by the discipline committee into any alleged professional misconduct, and, upon the written application of any four members of the College setting forth particulars of any alleged professional misconduct, an inquiry shall be directed, if in the opinion of the Council or the executive committee there appears to be sufficient evidence of professional misconduct to warrant the making of an inquiry.

Erasure of
name upon
conviction
for criminal
offence in
connection
with
practice

- (5) In the case of a conviction after registration under this Act for a criminal offence committed in connection with the practice of his profession, the member shall be deemed to be guilty of professional misconduct and his name shall be erased from the register by the registrar forthwith upon proof of such conviction.

Discipline
committee

- 34.—(1) The Council shall appoint five members of the Council as a committee to be known as the discipline committee for the purpose of exercising the disciplinary functions designated by this Act.

Quorum

- (2) Three members of the discipline committee constitute a quorum, whether or not a vacancy exists on the committee.

Vacancies,
etc.

- (3) In the case of a vacancy in the membership of the discipline committee or if a member is unable or unwilling to act as the result of illness or for any other reason, the president or, in his absence, the vice-president may appoint a member in his place.

By-laws

- (4) The Council may make by-laws governing the tenure of office of members of the discipline committee, the appointment of a chairman, the summoning and conduct of its meetings, and the practice and procedure and the transaction of business thereat.

Meeting
place;
assistance

- (5) The College shall provide the discipline committee with a suitable place for holding its meetings, the services of counsel and a reporter, and such other assistance as is necessary or proper to enable it to properly perform its duties.

R.S.O. 1960,
c. 234,
ss. 36-41,
re-enacted

2. Sections 36 to 41 of *The Medical Act* are repealed and the following substituted therefor:

36. The discipline committee shall,

Function of
discipline
committee
in
disciplinary
matters

- (a) inquire into the conduct of any member when so directed by the Council or the executive committee thereof;
- (b) hold hearings into charges made against members in accordance with the practice and procedure prescribed by the by-laws;
- (c) inquire into and report to the Council upon an application by a former member to have his name restored to the register; and
- (d) perform such other duties as are assigned to it by the Council.

37.—(1) The registrar shall cause a notice to be served upon the person whose conduct is the subject of inquiry at least two weeks before the hearing, and the notice shall embody a copy of the charges made against him or a statement of the subject-matter of the inquiry, and shall also specify the time and place of the hearing.

Notice of
hearing

(2) The notice required by subsection 1 shall be deemed to have been duly served if sent by registered mail to the address of the person required to be served, as last known to the registrar, and proof of such service may be made by affidavit.

Service of
notice

(3) Upon a hearing, the member whose conduct is the subject of the inquiry is entitled to be present and to be represented by counsel.

Counsel

(4) Where a member fails to attend a hearing after receiving due notice thereof, the discipline committee may, upon proof of service of such notice, proceed with the inquiry in his absence without further notice to such member.

When
hearing
may proceed

38.—(1) Any person who would be a competent and compellable witness at the trial of a civil action in Ontario is a competent and compellable witness at a hearing of the discipline committee, and the evidence adduced thereat shall be governed by *The Evidence Act* and the rules of evidence in civil proceedings in Ontario, except that,

Witnesses
and
evidence

R.S.O. 1960,
c. 125

- (a) where any matter is tendered as evidence that would not be admissible as such at the trial of a civil action in Ontario, the committee may receive such evidence if it is satisfied that its duty of making due inquiry into the case before it makes its reception desirable; and
- (b) any letter, statement, prescription, certificate, record or other document purporting to be signed by a registered medical practitioner and any account for professional services that is on an account form bearing his name is *prima facie* evidence that the document was signed or, in the case of an account, was authorized by him, and is *prima facie* evidence of the statements contained in the document or account.

Subpoenas

- (2) The College and the member whose conduct is the subject of an inquiry may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

Testimony
under oath,
etc.

- (3) The testimony of witnesses at hearings of the discipline committee shall be taken under oath to be administered by the chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply.

Further
functions of
discipline
committee

- 39.—(1) Where after a hearing the discipline committee finds that a member is guilty of professional misconduct, it may,
 - (a) suspend the member for a period not exceeding three months from the register on which he is registered;
 - (b) direct that the member be reprimanded and, if deemed warranted, that the fact of such reprimand be recorded on the register;

(c) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate, and that, upon compliance with the terms, any penalty be remitted;

(d) direct that the member pay to the College the costs of and incidental to the inquiry, which may include the cost of reporting and transcribing the evidence.

(2) The costs shall be taxed on the Supreme Court scale ^{Costs to be taxed} by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College, as upon a judgment in an action in such court.

(3) Where the discipline committee is of the opinion ^{Reference to Council} that the name of the member should be erased or that the term of suspension should exceed three months, it shall make a report of the facts and its findings and recommendations thereon to the Council, and may therewith transmit a transcript of the evidence taken at its inquiry.

40.—(1) The powers and duties of the Council in disciplinary matters are, ^{Function of Council in disciplinary matters}

(a) to receive and record reports of the discipline committee in respect of cases that have been completely dealt with by the committee and from which no appeal has been taken;

(b) to receive and consider reports of the discipline committee,

(i) in cases in which the committee is of the opinion that the penalty imposed should be the erasure of the name of the member, or that he should be suspended as a member for a period in excess of three months,

(ii) in cases of appeal from the decision of the committee,

(iii) in applications for restoration of a member's name to the register,

and to make such findings and orders in respect thereof and impose such penalties as the Council considers proper.

Idem

- (2) The Council may act upon the report of the discipline committee or may require that it be furnished with a transcript of the evidence taken, and may refer the matter back to the committee to take additional evidence.

Idem

- (3) The Council may impose upon a member any penalty that the discipline committee is authorized to impose or may direct that the name of the member concerned be erased from the register or that he be suspended as a member for such period as the Council considers proper.

Idem

- (4) The Council may direct that the restoration of the name of a member to the register be subject to the payment by the member of such fee, not exceeding the initial registration fee, as the Council specifies.

Appeals

- 41.—(1) Any member aggrieved or any two members of the Council may appeal to the Council from any decision or order of the discipline committee, and any member aggrieved may appeal to the Court of Appeal from any decision or order of the Council at any time within thirty days from the date of the decision or order complained of, and the Council or the Court of Appeal, as the case may be, may upon the hearing of such appeal make such order in the matter and as to the costs of the hearing of the appeal as the Council or the Court of Appeal deems proper.

Idem

- (2) The appeal may be by motion, notice of which shall be served upon the registrar, and shall be founded upon a copy of the proceedings before the discipline committee, the evidence taken, the committee's report and the orders of the committee and of the Council in the matter, certified by the registrar, and the registrar shall, upon the request of any member desiring to appeal and upon payment of the cost thereof, furnish such member with a certified copy of all proceedings, evidence, reports, orders and papers upon which the committee and the Council have acted in making the decision or order complained of, but, in the case of an appeal by two members of the Council, the registrar shall furnish the material without charge.

41a.—(1) The registrar in disciplinary matters shall, Function of registrar in disciplinary matters

(a) erase from the register the name of a member whose name the Council has directed to be erased, and shall record the date of the erasure;

(b) enter on the register,

(i) the suspension of a member whose registration the committee or the Council has directed to be suspended,

(ii) the fact that a member was reprimanded, in cases in which the committee or the Council has directed that such reprimand be recorded on the register,

stating the date of the order of suspension or reprimand and the period of suspension;

(c) enter on the register the date and terms of any order made by the Court of Appeal and comply with its terms.

(2) The registrar shall not make such erasure or entry Idem until the time for appeal from the decision or order has expired without an appeal being taken or, if taken, has been disposed of.

41b. No action shall be brought against the College or any officer thereof or any member of the Council Actions against College, etc., barred for or in respect of anything done in good faith under this Act.

41c. While the name of any member is erased, or during his suspension from membership, it is unlawful for him to engage in the practice of medicine, surgery or midwifery and he shall during such period be deemed to be unregistered, and, if he practises medicine, surgery or midwifery during such period, he is guilty of an offence and on summary conviction is liable to the penalties prescribed by this Act relating to practise by unregistered persons. Practise during suspension prohibited

3. Sections 51 and 52 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 234, ss. 51, 52, re-enacted

51. No person not registered shall practise medicine, surgery or midwifery for hire, gain or hope of reward, and, if any person not registered pursuant to this Act, for hire, gain or hope of reward, practises or professes to practise medicine, surgery or midwifery, Penalty for practising medicine without registration

or advertises to give advice in medicine, surgery or midwifery, he is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Penalty for
pretending
to be
physician

52. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

R.S.O. 1960,
c. 234, s. 53,
subs. 1,
re-enacted

4. Subsection 1 of section 53 of *The Medical Act* is repealed and the following substituted therefor:

Penalty for
unauthorized
use of title

- (1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor", "Surgeon" or "Physician" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Medical Amendment Act, 1962-63*.

YU YU TO SING THE POLICE YU

An Act to amend The Medical Act

1st Reading

March 25th, 1963

2nd Reading

March 29th, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 119

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to establish Killarney Recreational Reserve

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to establish Killarney Recreational Reserve.

BILL 119

1962-63

An Act to establish Killarney Recreational Reserve

WHEREAS recreation is becoming one of the chief land Preamble
uses of a growing population having more leisure time
and greater transportation facilities at its disposal, it is
therefore expedient in the public interest to name an area of
public lands strategically located in relation to centres of dense
population and possessing great potential for year-round
recreational use;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of Lands and Forests;

(b) "public lands" means lands belonging to Her
Majesty in right of Ontario, whether or not covered
with water.

2. The public lands situate within the area described in Killarney
Recreational
Reserve
the Schedule to this Act shall be known as Killarney Recrea-
tional Reserve under the control and management of the
Minister.

3.—(1) The Minister shall formulate a land-use plan for Land-use
plan
the development of the public lands in Killarney Recreational
Reserve that have a potential for recreational use.

(2) The Minister may take such measures as he deems Implemen-
tation
of plan
proper for the implementation of the land-use plan referred
to in subsection 1 or any part of such plan.

4.—(1) The Lieutenant Governor in Council may make Regulations
regulations,

- (a) respecting the care, preservation, improvement, control and management of Killarney Recreational Reserve;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations
may be
limited in
application

(2) Any regulation under subsection 1 may be made applicable to any part of Killarney Recreational Reserve.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Killarney Recreational Reserve Act, 1962-63*.

SCHEDULE

KILLARNEY RECREATIONAL RESERVE

In the districts of Algoma, Manitoulin, Nipissing, Parry Sound and Sudbury, and described as follows:

COMMENCING at a point in the high water mark on the easterly shore of Georgian Bay where the same is intersected by the southerly boundary of the Township of Shawanaga, in the District of Parry Sound;

THENCE easterly along the southerly boundaries of the townships of Shawanaga and Burpee to the southeasterly corner of the last-mentioned township;

THENCE northerly along the easterly boundaries of the townships of Burpee and Burton to the centre line of the allowance for road between concessions VI and VII in the Township of McKenzie;

THENCE easterly along the centre line of the allowance for road between concessions VI and VII to the easterly boundary of the Township of McKenzie;

THENCE continuing easterly along the centre line of the allowance for road between concessions VI and VII in the Township of Ferrie to the centre line of the allowance for road between lots 30 and 31, Concession VI;

THENCE southerly along the centre line of the allowance for road between lots 30 and 31, concessions VI, V, IV, III, II and I, to the southerly boundary of the Township of Ferrie;

THENCE easterly along the southerly boundary of the Township of Ferrie to the southeasterly corner thereof;

THENCE northerly along the easterly boundaries of the townships of Ferrie and Mills to the centre line of the allowance for road between concessions VI and VII in the Township of Mills;

THENCE westerly along the centre line of the allowance for road between concessions VI and VII to the westerly boundary of the Township of Mills;

THENCE northerly along the westerly boundary of the Township of Mills to the centre line of the allowance for road between concessions VIII and IX in the Township of Wilson;

THENCE westerly along the centre line of the allowance for road between concessions VIII and IX to the centre line of the allowance for road between lots 15 and 16, Concession IX, in the said Township of Wilson;

THENCE northerly along the centre line of the allowance for road between lots 15 and 16, concessions IX and X, to the centre line of the allowance for road between concessions X and XI in the said Township of Wilson;

THENCE westerly along the centre line of the allowance for road between concessions X and XI to the westerly boundary of the Township of Wilson;

THENCE northerly along the westerly boundaries of the townships of Wilson and McConkey to the centre line of the allowance for road between concessions IV and V in the Township of McConkey;

THENCE easterly along the centre line of the allowance for road between concessions IV and V to the easterly boundary of the Township of McConkey;

THENCE continuing easterly along the centre line of the allowance for road between concessions IV and V, in the Township of Hardy, to the easterly boundary of the Township of Hardy;

THENCE northerly along the easterly boundary of the Township of Hardy to the centre line of the allowance for road between concessions VI and VII in the Township of Patterson;

THENCE easterly along the centre line of the allowance for road between concessions VI and VII, in the Township of Patterson, to the northwesterly corner of the Township of Gurd;

THENCE easterly along the northerly boundary of the Township of Gurd to the northeasterly corner thereof;

THENCE northerly along the easterly boundary of the Township of Patterson and its production northerly to the intersection with the boundary between the districts of Nipissing and Parry Sound;

THENCE northwesterly in a straight line to the intersection of the production easterly of the northerly boundary of the Township of Loudon, in the District of Nipissing, with the production northerly of the line between lots 4 and 5, Concession V, in the Township of Bertram;

THENCE westerly along the said production of the northerly boundary of the Township of Loudon and continuing westerly along the northerly boundary of the Township of Loudon, in the District of Nipissing, and the northerly boundaries of the townships of Haddo and Cherriman, in the District of Sudbury, to the northwesterly corner of the last-mentioned township;

THENCE northerly along the easterly boundaries of the townships of Hendrie and Hawley to the northeasterly corner of the last-mentioned township;

THENCE westerly along the northerly boundary of the Township of Hawley to the northwesterly corner thereof;

THENCE southerly along the westerly boundaries of the townships of Hawley and Hendrie to the southwesterly corner of the last-mentioned township;

THENCE westerly along the northerly boundary of the Township of Servos to the northwesterly corner of Lot 6, Concession VI, in the said Township of Servos;

THENCE southerly along the westerly boundary of Lot 6, concessions VI, V, IV and III, to the southwesterly corner of Lot 6, Concession III, in the said Township of Servos;

THENCE westerly along the northerly boundaries of lots 7, 8, 9, 10, 11 and 12, Concession II, in the Township of Servos, to the easterly boundary of the Township of Laura;

THENCE southerly along the easterly boundary of the Township of Laura to the southeasterly corner thereof;

THENCE westerly along the southerly boundary of the Township of Laura to the southeasterly corner of the Township of Halifax;

THENCE northerly along the easterly boundaries of the townships of Halifax and Tilton to the northeasterly corner of the last-mentioned township;

THENCE westerly along the northerly boundaries of the townships of Tilton and Eden to the easterly boundary of Whitefish Lake Indian Reserve Number 6;

THENCE northerly, westerly, southwesterly, southerly and south-easterly following the easterly, northerly and westerly boundaries of the said Indian Reserve to the northerly boundary of the Township of Dieppe;

THENCE westerly along the northerly boundaries of the townships of Dieppe and Truman to the northwesterly corner of the last-mentioned township;

THENCE southerly along the westerly boundary of the Township of Truman to the high water mark on the northerly shore of West Bay of Lake Panache;

THENCE in a general westerly and southwesterly direction following the high water mark on the northerly and westerly shores of West Bay to the line between concessions III and IV in the Township of Foster;

THENCE westerly along the line between concessions III and IV to the westerly boundary of the Township of Foster;

THENCE southerly along the westerly boundary of the Township of Foster to the southwesterly corner thereof;

THENCE westerly along the northerly boundaries of the townships of Mongowin and McKinnon to the northwesterly corner of the last-mentioned township;

THENCE southerly along the westerly boundary of the Township of McKinnon to the high water mark on the northerly shore of the North Channel of Lake Huron;

THENCE in a general westerly direction following the said high water mark to the most westerly extremity of Serpent River Indian Reserve Number 7 in the District of Algoma;

THENCE southerly in a straight line to the high water mark on the most westerly extremity of Sylvain Island;

THENCE south astronomically to the boundary between the districts of Algoma and Manitoulin;

THENCE easterly along the last-mentioned boundary to a point in longitude 82 degrees 30 minutes west;

THENCE southeasterly in a straight line to the high water mark on the most northerly extremity of Maple Point, in the Township of Allan, in the District of Manitoulin;

THENCE easterly in a straight line to the high water mark on the most northwesterly extremity of Freer Point in the Township of Howland;

THENCE in a general northeasterly, easterly and southerly direction following the high water mark of the North Channel of Lake Huron and Georgian Bay to the southerly boundary of the Township of Howland;

THENCE easterly in a straight line to the high water mark on the most northerly extremity of Bold Point on Manitoulin Island Indian Reserve Number 26;

THENCE east astronomically to the intersection with a line drawn south astronomically from the southwesterly corner of the Township of Travers in the District of Sudbury;

THENCE southeasterly in a straight line to the high water mark on the most northerly extremity of North Limestone Island situate in Georgian Bay, in front of the Township of Shawanaga, in the District of Parry Sound;

THENCE easterly in a straight line to the high water mark on the most northerly extremity of Twin Island;

THENCE easterly in a straight line to the point of commencement;

EXCEPTING THEREOUT AND THEREFROM the Municipality of the Township of Rutherford and George Island in the District of Manitoulin.

AND FURTHER EXCEPTING THEREOUT AND THEREFROM the townships of Bigwood, Cosby, Martland and Mason, in the District of Sudbury, and parts of the townships of Delamere and Scollard, in the District of Sudbury, and part of the Township of Falconer, in the District of Nipissing, and which exception may be more particularly described as follows:

COMMENCING at the northeasterly corner of the Township of Delamere;

THENCE westerly along the northerly boundary of the said township to the northwesterly corner of Lot 10, Concession VI, in the said Township of Delamere;

THENCE southerly along the line between lots 10 and 11, concessions VI, V, IV, III and II, to the southwesterly corner of Lot 10, Concession II, in the said Township of Delamere;

THENCE westerly along the line between concessions I and II to the westerly boundary of the said Township of Delamere;

THENCE southerly along the westerly boundary of the Township of Delamere to the northerly boundary of the Township of Bigwood;

THENCE westerly along the northerly boundary of the Township of Bigwood to the northwesterly corner thereof;

THENCE southerly along the westerly boundary of the Township of Bigwood and its production southerly to the boundary between the districts of Parry Sound and Sudbury;

THENCE easterly following the boundary between the districts of Parry Sound and Sudbury to the intersection with the production southerly of the easterly boundary of the Township of Mason;

THENCE northerly along that production and the easterly boundary of the Township of Mason to the intersection with the high water mark on the northerly shore of the North Channel of the French River;

THENCE in a general easterly direction following the said high water mark to the line between lots 10 and 11, Concession V, in the Township of Scollard;

THENCE northerly along the line between lots 10 and 11, Concession V, in the Township of Scollard, to the southerly boundary of the Township of Falconer;

THENCE easterly along the southerly boundary of the Township of Falconer to the southeasterly corner of Lot 5, Concession I, in the Township of Falconer;

THENCE northerly along the line between lots 4 and 5, concessions I, II, III, IV, V and VI, to the northerly boundary of the Township of Falconer;

THENCE westerly along the northerly boundaries of the townships of Falconer, Martland and Cosby to the point of commencement.

[Faint, illegible handwritten notes]

An Act to establish
Killarney Recreational Reserve

1st Reading

March 25th, 1963

2nd Reading

3rd Reading

MR. ROBERTS

BILL 119

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to establish Killarney Recreational Reserve

MR. ROBERTS

BILL 119

1962-63

An Act to establish Killarney Recreational Reserve

WHEREAS recreation is becoming one of the chief land ^{Preamble} uses of a growing population having more leisure time and greater transportation facilities at its disposal, it is therefore expedient in the public interest to name an area of public lands strategically located in relation to centres of dense population and possessing great potential for year-round recreational use;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

<sup>Interpre-
tation</sup>

(a) "Minister" means the Minister of Lands and Forests;

(b) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water.

2. The public lands situate within the area described in the Schedule to this Act shall be known as Killarney Recreational Reserve under the control and management of the Minister. <sup>Killarney
Recreational
Reserve</sup>

3.—(1) The Minister shall formulate a land-use plan for the development of the public lands in Killarney Recreational Reserve that have a potential for recreational use. <sup>Land-use
plan</sup>

(2) The Minister may take such measures as he deems proper for the implementation of the land-use plan referred to in subsection 1 or any part of such plan. <sup>Implemen-
tation
of plan</sup>

4.—(1) The Lieutenant Governor in Council may make regulations, ^{Regulations}

(a) respecting the care, preservation, improvement, control and management of Killarney Recreational Reserve;

(b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations
may be
limited in
application

(2) Any regulation under subsection 1 may be made applicable to any part of Killarney Recreational Reserve.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Killarney Recreational Reserve Act, 1962-63*.

SCHEDULE

KILLARNEY RECREATIONAL RESERVE

In the districts of Algoma, Manitoulin, Nipissing, Parry Sound and Sudbury, and described as follows:

COMMENCING at a point in the high water mark on the easterly shore of Georgian Bay where the same is intersected by the southerly boundary of the Township of Shawanaga, in the District of Parry Sound;

THENCE easterly along the southerly boundaries of the townships of Shawanaga and Burpee to the southeasterly corner of the last-mentioned township;

THENCE northerly along the easterly boundaries of the townships of Burpee and Burton to the centre line of the allowance for road between concessions VI and VII in the Township of McKenzie;

THENCE easterly along the centre line of the allowance for road between concessions VI and VII to the easterly boundary of the Township of McKenzie;

THENCE continuing easterly along the centre line of the allowance for road between concessions VI and VII in the Township of Ferrie to the centre line of the allowance for road between lots 30 and 31, Concession VI;

THENCE southerly along the centre line of the allowance for road between lots 30 and 31, concessions VI, V, IV, III, II and I, to the southerly boundary of the Township of Ferrie;

THENCE easterly along the southerly boundary of the Township of Ferrie to the southeasterly corner thereof;

THENCE northerly along the easterly boundaries of the townships of Ferrie and Mills to the centre line of the allowance for road between concessions VI and VII in the Township of Mills;

THENCE westerly along the centre line of the allowance for road between concessions VI and VII to the westerly boundary of the Township of Mills;

THENCE northerly along the westerly boundary of the Township of Mills to the centre line of the allowance for road between concessions VIII and IX in the Township of Wilson;

THENCE westerly along the centre line of the allowance for road between concessions VIII and IX to the centre line of the allowance for road between lots 15 and 16, Concession IX, in the said Township of Wilson;

THENCE northerly along the centre line of the allowance for road between lots 15 and 16, concessions IX and X, to the centre line of the allowance for road between concessions X and XI in the said Township of Wilson;

THENCE westerly along the centre line of the allowance for road between concessions X and XI to the westerly boundary of the Township of Wilson;

THENCE northerly along the westerly boundaries of the townships of Wilson and McConkey to the centre line of the allowance for road between concessions IV and V in the Township of McConkey;

THENCE easterly along the centre line of the allowance for road between concessions IV and V to the easterly boundary of the Township of McConkey;

THENCE continuing easterly along the centre line of the allowance for road between concessions IV and V, in the Township of Hardy, to the easterly boundary of the Township of Hardy;

THENCE northerly along the easterly boundary of the Township of Hardy to the centre line of the allowance for road between concessions VI and VII in the Township of Patterson;

THENCE easterly along the centre line of the allowance for road between concessions VI and VII, in the Township of Patterson, to the northwesterly corner of the Township of Gurd;

THENCE easterly along the northerly boundary of the Township of Gurd to the northeasterly corner thereof;

THENCE northerly along the easterly boundary of the Township of Patterson and its production northerly to the intersection with the boundary between the districts of Nipissing and Parry Sound;

THENCE northwesterly in a straight line to the intersection of the production easterly of the northerly boundary of the Township of Loudon, in the District of Nipissing, with the production northerly of the line between lots 4 and 5, Concession V, in the Township of Bertram;

THENCE westerly along the said production of the northerly boundary of the Township of Loudon and continuing westerly along the northerly boundary of the Township of Loudon, in the District of Nipissing, and the northerly boundaries of the townships of Haddo and Cherriman, in the District of Sudbury, to the northwesterly corner of the last-mentioned township;

THENCE northerly along the easterly boundaries of the townships of Hendrie and Hawley to the northeasterly corner of the last-mentioned township;

THENCE westerly along the northerly boundary of the Township of Hawley to the northwesterly corner thereof;

THENCE southerly along the westerly boundaries of the townships of Hawley and Hendrie to the southwesterly corner of the last-mentioned township;

THENCE westerly along the northerly boundary of the Township of Servos to the northwesterly corner of Lot 6, Concession VI, in the said Township of Servos;

THENCE southerly along the westerly boundary of Lot 6, concessions VI, V, IV and III, to the southwesterly corner of Lot 6, Concession III, in the said Township of Servos;

THENCE westerly along the northerly boundaries of lots 7, 8, 9, 10, 11 and 12, Concession II, in the Township of Servos, to the easterly boundary of the Township of Laura;

THENCE southerly along the easterly boundary of the Township of Laura to the southeasterly corner thereof;

THENCE westerly along the southerly boundary of the Township of Laura to the southeasterly corner of the Township of Halifax;

THENCE northerly along the easterly boundaries of the townships of Halifax and Tilton to the northeasterly corner of the last-mentioned township;

THENCE westerly along the northerly boundaries of the townships of Tilton and Eden to the easterly boundary of Whitefish Lake Indian Reserve Number 6;

THENCE northerly, westerly, southwesterly, southerly and south-easterly following the easterly, northerly and westerly boundaries of the said Indian Reserve to the northerly boundary of the Township of Dieppe;

THENCE westerly along the northerly boundaries of the townships of Dieppe and Truman to the northwesterly corner of the last-mentioned township;

THENCE southerly along the westerly boundary of the Township of Truman to the high water mark on the northerly shore of West Bay of Lake Panache;

THENCE in a general westerly and southwesterly direction following the high water mark on the northerly and westerly shores of West Bay to the line between concessions III and IV in the Township of Foster;

THENCE westerly along the line between concessions III and IV to the westerly boundary of the Township of Foster;

THENCE southerly along the westerly boundary of the Township of Foster to the southwesterly corner thereof;

THENCE westerly along the northerly boundaries of the townships of Mongowin and McKinnon to the northwesterly corner of the last-mentioned township;

THENCE southerly along the westerly boundary of the Township of McKinnon to the high water mark on the northerly shore of the North Channel of Lake Huron;

THENCE in a general westerly direction following the said high water mark to the most westerly extremity of Serpent River Indian Reserve Number 7 in the District of Algoma;

THENCE southerly in a straight line to the high water mark on the most westerly extremity of Sylvain Island;

THENCE south astronomically to the boundary between the districts of Algoma and Manitoulin;

THENCE easterly along the last-mentioned boundary to a point in longitude 82 degrees 30 minutes west;

THENCE southeasterly in a straight line to the high water mark on the most northerly extremity of Maple Point, in the Township of Allan, in the District of Manitoulin;

THENCE easterly in a straight line to the high water mark on the most northwesterly extremity of Freer Point in the Township of Howland;

THENCE in a general northeasterly, easterly and southerly direction following the high water mark of the North Channel of Lake Huron and Georgian Bay to the southerly boundary of the Township of Howland;

THENCE easterly in a straight line to the high water mark on the most northerly extremity of Bold Point on Manitoulin Island Indian Reserve Number 26;

THENCE east astronomically to the intersection with a line drawn south astronomically from the southwesterly corner of the Township of Travers in the District of Sudbury;

THENCE southeasterly in a straight line to the high water mark on the most northerly extremity of North Limestone Island situate in Georgian Bay, in front of the Township of Shawanaga, in the District of Parry Sound;

THENCE easterly in a straight line to the high water mark on the most northerly extremity of Twin Island;

THENCE easterly in a straight line to the point of commencement;

EXCEPTING THEREOUT AND THEREFROM the Municipality of the Township of Rutherford and George Island in the District of Manitoulin.

AND FURTHER EXCEPTING THEREOUT AND THEREFROM the townships of Bigwood, Cosby, Martland and Mason, in the District of Sudbury, and parts of the townships of Delamere and Scollard, in the District of Sudbury, and part of the Township of Falconer, in the District of Nipissing, and which exception may be more particularly described as follows:

COMMENCING at the northeasterly corner of the Township of Delamere;

THENCE westerly along the northerly boundary of the said township to the northwesterly corner of Lot 10, Concession VI, in the said Township of Delamere;

THENCE southerly along the line between lots 10 and 11, concessions VI, V, IV, III and II, to the southwesterly corner of Lot 10, Concession II, in the said Township of Delamere;

THENCE westerly along the line between concessions I and II to the westerly boundary of the said Township of Delamere;

THENCE southerly along the westerly boundary of the Township of Delamere to the northerly boundary of the Township of Bigwood;

THENCE westerly along the northerly boundary of the Township of Bigwood to the northwesterly corner thereof;

THENCE southerly along the westerly boundary of the Township of Bigwood and its production southerly to the boundary between the districts of Parry Sound and Sudbury;

THENCE easterly following the boundary between the districts of Parry Sound and Sudbury to the intersection with the production southerly of the easterly boundary of the Township of Mason;

THENCE northerly along that production and the easterly boundary of the Township of Mason to the intersection with the high water mark on the northerly shore of the North Channel of the French River;

THENCE in a general easterly direction following the said high water mark to the line between lots 10 and 11, Concession V, in the Township of Scollard;

THENCE northerly along the line between lots 10 and 11, Concession V, in the Township of Scollard, to the southerly boundary of the Township of Falconer;

THENCE easterly along the southerly boundary of the Township of Falconer to the southeasterly corner of Lot 5, Concession I, in the Township of Falconer;

THENCE northerly along the line between lots 4 and 5, concessions I, II, III, IV, V and VI, to the northerly boundary of the Township of Falconer;

THENCE westerly along the northerly boundaries of the townships of Falconer, Martland and Cosby to the point of commencement.

An Act to establish
Killarney Recreational Reserve

1st Reading

March 25th, 1963

2nd Reading

April 1st, 1963

3rd Reading

April 26th, 1963

MR. ROBERTS

BILL 120

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Child Welfare Act

MR. CECILE

EXPLANATORY NOTES

SECTION 1. The amendments are for the purpose of clarification.

SECTION 2. The new section permits applications to a judge to be made on non-judicial days or after normal court hours in cases justified by the circumstances.

BILL 120

1962-63

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 15 of section 17 of *The Child Welfare Act* is amended by striking out "in whose charge he is" in the twelfth line and inserting in lieu thereof "standing *in loco parentis* to the child" and by inserting after "the" where it occurs the first time in the fifteenth line "continuous", so that the subsection shall read as follows:

R.S.O. 1960,
c. 53, s. 17,
subs. 15,
amended

- (15) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and, if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge, and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person standing *in loco parentis* to the child or a further order under subsection 8 or an order or further order under subsection 9, but in no case shall an order be made at any time that results in the continuous temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

Re-opening
of
temporary
commitment

2. *The Child Welfare Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 53,
amended

- 17b. Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the

Proceedings
at any time
or on a
holiday
R.S.O. 1960,
c. 197

application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday.

R.S.O. 1960,
c. 53, s. 24,
amended

3. Section 24 of *The Child Welfare Act* is amended by striking out "except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county" in the fifth, sixth, seventh, eighth, ninth and tenth lines, so that the section shall read as follows:

Provincial
aid to
municipalities

24. Where a judge orders a municipality to pay the rate under this Part, there shall be paid to the municipality out of the moneys appropriated therefor by the Legislature an amount equal to 40 per cent of the amount of the net expenditures of the municipality under the order.

R.S.O. 1960,
c. 53, s. 31,
subs. 1,
amended

4.—(1) Subsection 1 of section 31 of *The Child Welfare Act* is amended by striking out "unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother" in the second, third and fourth lines, so that the subsection shall read as follows:

Presumption
as to
religious
faith

(1) A child shall be deemed to have the same religious faith as his father.

R.S.O. 1960,
c. 53, s. 31,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 31 is repealed and the following substituted therefor:

Child born
out of
wedlock

(2) A child who is born out of wedlock shall be deemed to have the same religious faith as his mother.

R.S.O. 1960,
c. 53, s. 31,
subs. 5,
re-enacted

(3) Subsection 5 of the said section 31 is repealed and the following substituted therefor:

Judge's order
finding
religious
faith

(5) Notwithstanding anything in this section, a judge may make an order finding the religious faith that a child is deemed to have under this section to be any religious faith that is in the best interests of the child.

R.S.O. 1960,
c. 53, s. 36,
subs. 5,
amended

5. Subsection 5 of section 36 of *The Child Welfare Act* is amended by striking out "\$5" in the third line and inserting in lieu thereof "not more than \$25" and by striking out "\$10" in the fourth line and inserting in lieu thereof "not more than \$100", so that the subsection shall read as follows:

SECTION 3. The amendment enables provincial aid in respect of a county liability to be paid directly to the county.

SECTION 4—Subsection 1. The provision permitting the fixing, by agreement, of the religious faith that a child is deemed to have for the purpose of custody is deleted.

Subsection 2. The amendment standardizes the terminology with that used elsewhere in the Act.

Subsection 3. The provision under which a judge may change the statutory presumption of religious faith of a child for the purpose of custody is clarified, and the best interest of the child is the governing factor.

SECTION 5. The penalty for permitting a child to contravene the provisions against children plying street trades or loitering in public places at night is increased from \$5 for the first offence and \$10 for subsequent offences to not more than \$25 for the first offence and not more than \$100 for subsequent offences.

SECTIONS 6 and 7. The procedure for applications for affiliation orders is adopted for applications to enforce an agreement for maintenance of a child born out of wedlock.

- (5) A parent who permits his boy or girl to contravene ^{Offence} any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$25 and, for any subsequent offence, to a fine of not more than \$100.

6. Subsection 1 of section 50 of *The Child Welfare Act* is ^{R.S.O. 1960,} amended by inserting after "order" in the first line "or an ^{c. 53, s. 50,} order to enforce an agreement", so that the subsection shall ^{subs. 1,} read as follows: ^{amended}

- (1) Where an application for an affiliation order or an ^{Appointment} order to enforce an agreement is made to a judge, ^{for hearing;} the judge shall appoint in writing a time and place ^{notice} at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed.

7. Section 51 of *The Child Welfare Act* is amended by ^{R.S.O. 1960,} striking out "under section 50" in the second line and inserting ^{c. 53, s. 51,} in lieu thereof "for an affiliation order or an order to enforce ^{amended} an agreement" and by striking out "affiliation" in the sixth line, so that the section shall read as follows:

51. Where the putative father who has been served with ^{Where} notice of the application for an affiliation order or an ^{putative} order to enforce an agreement fails to appear at the ^{father fails} hearing or to show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 52 or he may make such other order as he considers just. ^{to appear}

8. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

9. This Act may be cited as *The Child Welfare Amendment* ^{Short title} *Act, 1962-63.*

An Act to amend The Child Welfare Act

1st Reading

March 25th, 1963

2nd Reading

3rd Reading

MR. CECILE

BILL 120

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Child Welfare Act

MR. CECILE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendments are for the purpose of clarification.

SECTION 2. The new section permits applications to a judge to be made on non-judicial days or after normal court hours in cases justified by the circumstances.

BILL 120

1962-63

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 15 of section 17 of *The Child Welfare Act* is amended by striking out "in whose charge he is" in the twelfth line and inserting in lieu thereof "standing *in loco parentis* to the child" and by inserting after "the" where it occurs the first time in the fifteenth line "continuous", so that the subsection shall read as follows:

R.S.O. 1960,
c. 53, s. 17,
subs. 15,
amended

- (15) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and, if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge, and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person standing *in loco parentis* to the child or a further order under subsection 8 or an order or further order under subsection 9, but in no case shall an order be made at any time that results in the continuous temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

Re-opening
of
temporary
commitment

2. *The Child Welfare Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 53,
amended

- 17b. Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the

Proceedings
at any time
or on a
holiday
R.S.O. 1960,
c. 197

application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday.

R.S.O. 1960,
c. 53, s. 24,
amended

3.—(1) Section 24 of *The Child Welfare Act* is amended by striking out "except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county" in the fifth, sixth, seventh, eighth, ninth and tenth lines, so that the section shall read as follows:

Provincial
aid to
municipalities

24. Where a judge orders a municipality to pay the rate under this Part, there shall be paid to the municipality out of the moneys appropriated therefor by the Legislature an amount equal to 40 per cent of the amount of the net expenditures of the municipality under the order.

Interim
moneys
R.S.O. 1960,
c. 53

(2) The moneys required for the purposes of section 24 of *The Child Welfare Act*, as amended by subsection 1, shall, during the fiscal year 1963-64, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of such moneys as are appropriated therefor by the Legislature.

R.S.O. 1960,
c. 53, s. 36,
subs. 5,
amended

4. Subsection 5 of section 36 of *The Child Welfare Act* is amended by striking out "\$5" in the third line and inserting in lieu thereof "not more than \$25" and by striking out "\$10" in the fourth line and inserting in lieu thereof "not more than \$100", so that the subsection shall read as follows:

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$25 and, for any subsequent offence, to a fine of not more than \$100.

R.S.O. 1960,
c. 53, s. 50,
subs. 1,
amended

5. Subsection 1 of section 50 of *The Child Welfare Act* is amended by inserting after "order" in the first line "or an order to enforce an agreement", so that the subsection shall read as follows:

Appointment
for hearing;
notice

(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed.

SECTION 3. The amendment enables provincial aid in respect of a county liability to be paid directly to the county.


SECTION 4. The penalty for permitting a child to contravene the provisions against children plying street trades or loitering in public places at night is increased from \$5 for the first offence and \$10 for subsequent offences to not more than \$25 for the first offence and not more than \$100 for subsequent offences.

SECTIONS 5 and 6. The procedure for applications for affiliation orders is adopted for applications to enforce an agreement for maintenance of a child born out of wedlock.

6. Section 51 of *The Child Welfare Act* is amended by ^{R.S.O. 1960,} striking out "under section 50" in the second line and inserting ^{o. 53, s. 51,} amended in lieu thereof "for an affiliation order or an order to enforce an agreement" and by striking out "affiliation" in the sixth line, so that the section shall read as follows:

51. Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 52 or he may make such other order as he considers just. ^{Where putative father fails to appear}

7. Clause *a* of subsection 1 of section 65 of *The Child Welfare Act* is repealed and the following substituted therefor: ^{R.S.O. 1960,} ^{o. 53, s. 65,} ^{subs. 1, cl. a,} ^{re-enacted}

(a) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband or wife, where the husband is under twenty-one years of age. 

8. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}

9. This Act may be cited as *The Child Welfare Amendment Act, 1962-63*. ^{Short title}

An Act to amend The Child Welfare Act

1st Reading

March 25th, 1963

2nd Reading

March 27th, 1963

3rd Reading

MR. CECILE

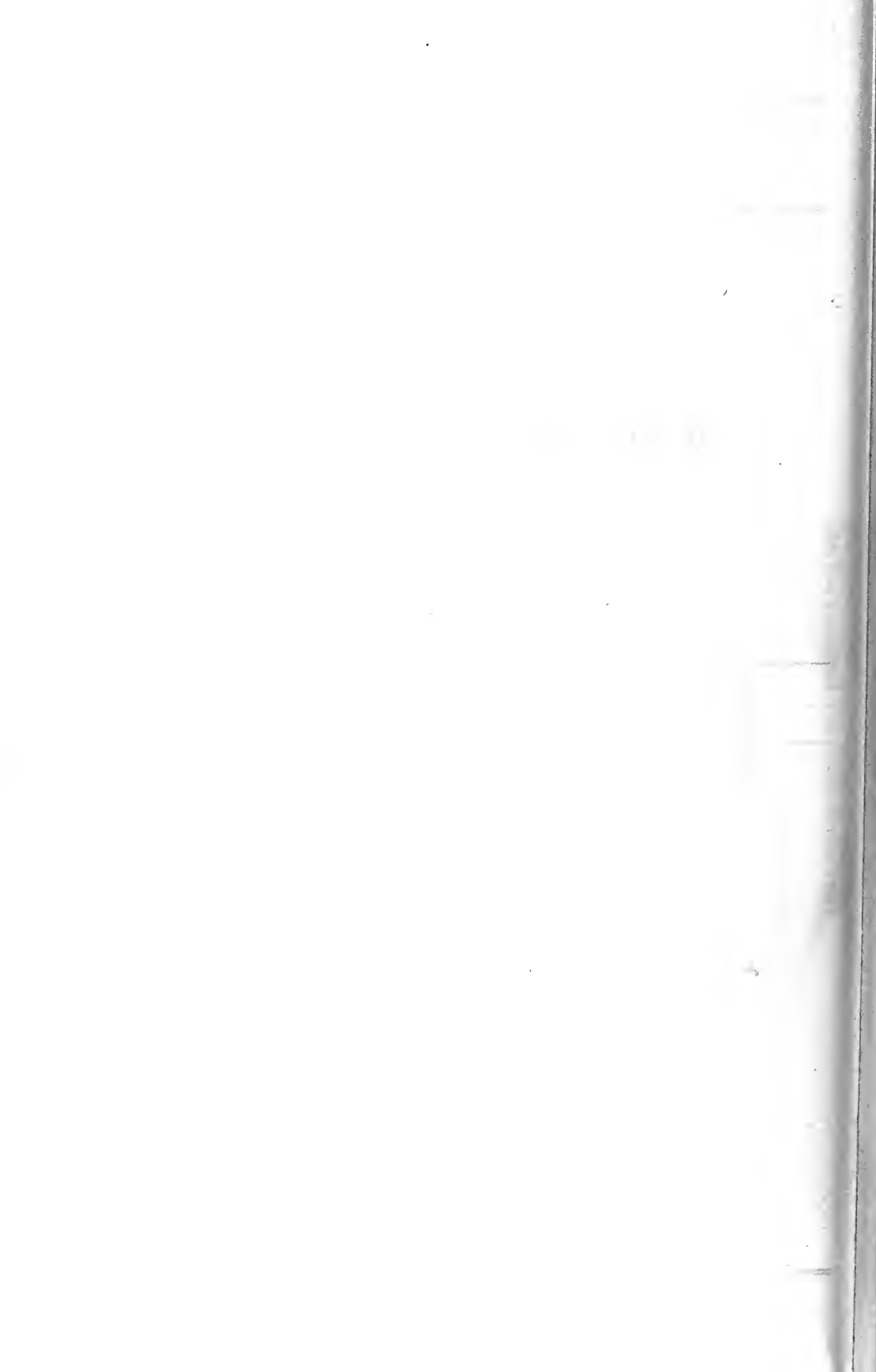
(Reprinted as amended by the
Committee of the Whole House)

BILL 120

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Child Welfare Act

MR. CECILE



BILL 120

1962-63

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 15 of section 17 of *The Child Welfare Act* is amended by striking out "in whose charge he is" in the twelfth line and inserting in lieu thereof "standing *in loco parentis* to the child" and by inserting after "the" where it occurs the first time in the fifteenth line "continuous", so that the subsection shall read as follows:

R.S.O. 1960,
c. 53, s. 17,
subs. 15,
amended

(15) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and, if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge, and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person standing *in loco parentis* to the child or a further order under subsection 8 or an order or further order under subsection 9, but in no case shall an order be made at any time that results in the continuous temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

Re-opening
of
temporary
commitment

2. *The Child Welfare Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 53,
amended

17b. Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the

Proceedings
at any time
or on a
holiday
R.S.O. 1960,
c. 197

application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday.

R.S.O. 1960,
c. 53, s. 24,
amended

3.—(1) Section 24 of *The Child Welfare Act* is amended by striking out “except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county” in the fifth, sixth, seventh, eighth, ninth and tenth lines, so that the section shall read as follows:

Provincial
aid to
municipalities

24. Where a judge orders a municipality to pay the rate under this Part, there shall be paid to the municipality out of the moneys appropriated therefor by the Legislature an amount equal to 40 per cent of the amount of the net expenditures of the municipality under the order.

Interim
moneys
R.S.O. 1960,
c. 53

(2) The moneys required for the purposes of section 24 of *The Child Welfare Act*, as amended by subsection 1, shall, during the fiscal year 1963-64, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of such moneys as are appropriated therefor by the Legislature.

R.S.O. 1960,
c. 53, s. 36,
subs. 5,
amended

4. Subsection 5 of section 36 of *The Child Welfare Act* is amended by striking out “\$5” in the third line and inserting in lieu thereof “not more than \$25” and by striking out “\$10” in the fourth line and inserting in lieu thereof “not more than \$100”, so that the subsection shall read as follows:

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$25 and, for any subsequent offence, to a fine of not more than \$100.

R.S.O. 1960,
c. 53, s. 50,
subs. 1,
amended

5. Subsection 1 of section 50 of *The Child Welfare Act* is amended by inserting after “order” in the first line “or an order to enforce an agreement”, so that the subsection shall read as follows:

Appointment
for hearing;
notice

(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed.

6. Section 51 of *The Child Welfare Act* is amended by ^{R.S.O. 1960,} striking out "under section 50" in the second line and inserting ^{c. 53, s. 51,} in lieu thereof "for an affiliation order or an order to enforce ^{amended} an agreement" and by striking out "affiliation" in the sixth line, so that the section shall read as follows:

51. Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 52 or he may make such other order as he considers just. ^{Where putative father fails to appear}

7. Clause *a* of subsection 1 of section 65 of *The Child Welfare Act* is repealed and the following substituted therefor: ^{R.S.O. 1960,} ^{c. 53, s. 65,} ^{subs. 1, cl. a,} ^{re-enacted}

(a) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband or wife, where the husband is under twenty-one years of age.

8. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

9. This Act may be cited as *The Child Welfare Amendment Act, 1962-63*. ^{Short title}

An Act to amend The Child Welfare Act

1st Reading

March 25th, 1963

2nd Reading

March 27th, 1963

3rd Reading

April 26th, 1963

MR. CECILE

BILL 121

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Minimum Wage Act

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. This amendment is designed to make it clear that the expression "wages" as defined in the Act does not include tips.

SECTION 2—Subsection 1. The new clause *da* will enable the Industry and Labour Board to establish minimum wage rates on an hourly basis. These rates are now on a weekly basis.

Subsection 2. The intent is clarified.

SECTION 3. The words deleted are obsolete.

SECTION 4. This new section, which is similar to section 7 of *The Hours of Work and Vacations with Pay Act*, authorizes the Industry and Labour Board to inquire into schemes that appear to be designed to defeat the purposes of the Act and to make remedial orders with respect thereto.

BILL 121

1962-63

An Act to amend The Minimum Wage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Minimum Wage Act* is amended by adding at the end thereof "but does not include 'tips' and other gratuities", so the clause shall read as follows: R.S.O. 1960,
c. 240, s. 1,
cl. *d*,
amended

(*d*) "wage" or "wages" includes every form of remuneration for labour performed, but does not include "tips" and other gratuities.

2.—(1) Section 3 of *The Minimum Wage Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 240, s. 3,
amended

(*da*) establish minimum hourly rates of wages for regular working periods. Minimum
hourly wage

(2) Clause *e* of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960,
c. 240, s. 3,
cl. *e*,
re-enacted

(*e*) establish the regular working period and the maximum number of hours of labour that may be worked regularly in any industry, business, trade, work or undertaking, or the part or parts thereof to which the order is applicable. Maximum
hours of
labour

3. Section 5 of *The Minimum Wage Act* is amended by striking out "or any order made by the Minimum Wage Board" in the fifth line. R.S.O. 1960,
c. 240, s. 5,
amended

4. *The Minimum Wage Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 240,
amended

7a.—(1) The Board may hold an inquiry into the facts respecting any persons engaged or working in or about an undertaking as members or alleged members of a partnership or association, or in the execution Inquiry into
partnership,
association,
or scheme

of any agreement or scheme of profit-sharing or co-operative or joint contract or undertaking, including the investigation of the contractual and other relationships of the persons so engaged or working, as between themselves or as between them and their master or employer, and, if the Board is of opinion that the partnership, association, agreement or scheme is intended to defeat, or has the effect, either directly or indirectly, of defeating, the true intent and object of this Act, the Board may make such order as it deems proper declaring any of such persons or any class or group thereof to be employers and any of such persons or any class or group thereof to be employees for the purposes of this Act.

Powers of
chairman on
inquiry

R.S.O. 1960,
c. 323

- (2) For the purposes of any such inquiry, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 240, s. 10,
re-enacted

5. Section 10 of *The Minimum Wage Act* is repealed and the following substituted therefor:

Work
records

- 10.—(1) Every employer shall make and keep for a period of at least twelve months after the work was performed a record of the name, address, age if under eighteen, wage rate, hours worked and the actual earnings of each of his employees, and such records shall be available at all reasonable times for examination by any member of the Board or any inspector of the Department of Labour.

Information
and
returns

- (2) Every employer shall furnish such information and make such returns from time to time as the Board may require.

Offence

- (3) Every employer who fails to comply with any provision of subsection 1 or who fails to comply with any requirement of the Board under subsection 2 is guilty of an offence.

R.S.O. 1960,
c. 240, s. 12,
amended

6. Section 12 of *The Minimum Wage Act* is amended by adding thereto the following subsection:

Filing of
order

- (2) An order to pay arrears of wages under subsection 1 may be filed by the Board in a division court where,

SECTION 5. As re-enacted, section 10 of the Act requires: (1) an employer "to make" as well as "to keep" work records; and (2) to keep such records for at least twelve months. Otherwise the section is unchanged in principle.

SECTION 6. This new subsection is designed to make an arrears-of-wages order enforceable. A similar provision was added to *The Hours of Work and Vacations with Pay Act* last year.

SECTION 7. The minimum fine is increased from \$10 to \$25.

SECTION 8. This section is new. It is designed to facilitate administration. It is similar to an amendment made to *The Hours of Work and Vacations with Pay Act* last year.

(a) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

(b) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

R.S.O. 1960,
c. 110

and such order thereupon is of the same force and effect as a judgment in the division court.

7. Section 13 of *The Minimum Wage Act* is amended by striking out "\$10" in the fourth line and inserting in lieu thereof "\$25".

R.S.O. 1960,
c. 240, s. 13,
amended

8. *The Minimum Wage Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 240,
amended

- 13a.—(1) Where the Board is authorized to require a person to furnish information under this Act, the Board may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice.
- (2) A certificate of a member of the Board certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice, is admissible as *prima facie* proof of the mailing and receipt of the notice.
- (3) Where the Board is authorized to require a person to furnish information under this Act, a certificate of a member of the Board certifying that the information has not been furnished is admissible as *prima facie* proof that in such case the person did not furnish the information.
- (4) A certificate of a member of the Board certifying that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Board is admissible as *prima facie* proof of the nature and contents of the document and shall be

Notice to
furnish
information

Proof of
service
of notice

Proof of
failure to
comply

Proof of
documents

received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of
authority

- (5) A certificate under this section signed or purporting to be signed by a member of the Board is admissible as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Minimum Wage Amendment Act, 1962-63*.

An Act to amend The Minimum Wage Act

1st Reading

March 26th, 1963

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 121

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Minimum Wage Act

MR. ROWNTREE

BILL 121

1962-63

An Act to amend The Minimum Wage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Minimum Wage Act* is amended by adding at the end thereof "but does not include 'tips' and other gratuities", so the clause shall read as follows: R.S.O. 1960,
c. 240, s. 1,
cl. *d*,
amended

(*d*) "wage" or "wages" includes every form of remuneration for labour performed, but does not include "tips" and other gratuities.

2.—(1) Section 3 of *The Minimum Wage Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 240, s. 3,
amended

(*da*) establish minimum hourly rates of wages for regular working periods. Minimum
hourly wage

(2) Clause *e* of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960,
c. 240, s. 3,
cl. *e*,
re-enacted

(*e*) establish the regular working period and the maximum number of hours of labour that may be worked regularly in any industry, business, trade, work or undertaking, or the part or parts thereof to which the order is applicable. Maximum
hours of
labour

3. Section 5 of *The Minimum Wage Act* is amended by striking out "or any order made by the Minimum Wage Board" in the fifth line. R.S.O. 1960,
c. 240, s. 5,
amended

4. *The Minimum Wage Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 240,
amended

7a.—(1) The Board may hold an inquiry into the facts respecting any persons engaged or working in or about an undertaking as members or alleged members of a partnership or association, or in the execution Inquiry into
partnership,
association,
or scheme

of any agreement or scheme of profit-sharing or co-operative or joint contract or undertaking, including the investigation of the contractual and other relationships of the persons so engaged or working, as between themselves or as between them and their master or employer, and, if the Board is of opinion that the partnership, association, agreement or scheme is intended to defeat, or has the effect, either directly or indirectly, of defeating, the true intent and object of this Act, the Board may make such order as it deems proper declaring any of such persons or any class or group thereof to be employers and any of such persons or any class or group thereof to be employees for the purposes of this Act.

Powers of
chairman on
inquiry

R.S.O. 1960,
c. 323

- (2) For the purposes of any such inquiry, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 240, s. 10,
re-enacted

5. Section 10 of *The Minimum Wage Act* is repealed and the following substituted therefor:

Work
records

- 10.—(1) Every employer shall make and keep for a period of at least twelve months after the work was performed a record of the name, address, age if under eighteen, wage rate, hours worked and the actual earnings of each of his employees, and such records shall be available at all reasonable times for examination by any member of the Board or any inspector of the Department of Labour.

Information
and
returns

- (2) Every employer shall furnish such information and make such returns from time to time as the Board may require.

Offence

- (3) Every employer who fails to comply with any provision of subsection 1 or who fails to comply with any requirement of the Board under subsection 2 is guilty of an offence.

R.S.O. 1960,
c. 240, s. 12,
amended

6. Section 12 of *The Minimum Wage Act* is amended by adding thereto the following subsection:

Filing of
order

- (2) An order to pay arrears of wages under subsection 1 may be filed by the Board in a division court where,

(a) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

(b) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court, R.S.O. 1960, c. 110

and such order thereupon is of the same force and effect as a judgment in the division court.

7. Section 13 of *The Minimum Wage Act* is amended by R.S.O. 1960, c. 240, s. 13, amended striking out "\$10" in the fourth line and inserting in lieu thereof "\$25".

8. *The Minimum Wage Act* is amended by adding thereto the following section: R.S.O. 1960, c. 240, amended

13a.—(1) Where the Board is authorized to require a person to furnish information under this Act, the Board may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice. Notice to furnish information

(2) A certificate of a member of the Board certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice, is admissible as *prima facie* proof of the mailing and receipt of the notice. Proof of service of notice

(3) Where the Board is authorized to require a person to furnish information under this Act, a certificate of a member of the Board certifying that the information has not been furnished is admissible as *prima facie* proof that in such case the person did not furnish the information. Proof of failure to comply

(4) A certificate of a member of the Board certifying that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Board is admissible as *prima facie* proof of the nature and contents of the document and shall be Proof of documents

received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of
authority

- (5) A certificate under this section signed or purporting to be signed by a member of the Board is admissible as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Minimum Wage Amendment Act, 1962-63*.

An Act to amend The Minimum Wage Act

1st Reading

March 26th, 1963

2nd Reading

April 17th, 1963

3rd Reading

April 26th, 1963

MR. ROWNTREE

BILL 122

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Hours of Work and Vacations with Pay Act

MR. DAVISON

EXPLANATORY NOTE

The Bill reduces the maximum working week from forty-eight hours to forty hours, and ensures that the reduction in hours does not affect the wages now earned in a maximum working week. The Industry and Labour Board is authorized to provide for a gradual transition.

BILL 122

1962-63

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act* is amended by striking out "forty-eight" in the third line and inserting in lieu thereof "forty", so that the subsection shall read as follows: R.S.O. 1960,
c. 181, s. 2,
subs. 1,
amended

(1) Subject to this Act, the working hours of an employee in an industrial undertaking shall not exceed Limitation
of hours
of work eight in the day and forty in the week.

2.—(1) In this Act, "regular weekly working hours" means Interpre-
tation the hours regularly worked in a week by employees without payment of an overtime rate of pay.

(2) Where, immediately before this Act comes into force, When rate
of wages not
affected the regular weekly working hours of an employee in an industrial undertaking are more than forty and the employee is paid at a rate other than an hourly or daily rate or at a rate for piece work, the employer shall not reduce the employee's rate of wages for the reason that the hours are reduced.

(3) Where, immediately before this Act comes into force, When rate
of wages
converted the regular weekly working hours of an employee in an industrial undertaking are more than forty and the employee is paid at an hourly or daily rate or at a rate for piece work, the employer shall increase the rate by the same proportion as the number of regular weekly working hours bears to forty.

3. Where the regular weekly working hours in an industrial undertaking or branch thereof are more than forty and the Board is satisfied that the coming into force of section 1 would work undue hardship, the Board may, by order, authorize a progressive reduction of the regular weekly working hours in Board may
provide for
transition

the industrial undertaking or branch thereof upon such terms and conditions as the Board deems advisable, but subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act*, as amended by section 1, shall be fully complied with not later than the 1st day of July, 1964.

R.S.O. 1960,
c. 181

Commence-
ment

4. This Act comes into force on the 1st day of July, 1963.

Short title

5. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1962-63*.

Account with 1871-1901
You got to attend the House of God and

An Act to amend The Hours of Work and
Vacations with Pay Act

1st Reading

March 26th, 1963

2nd Reading

3rd Reading

MR. DAVISON

BILL 123

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to authorize the Province of Ontario to Collect and Exchange Statistical Information

MR. MACAULAY

THE ACT TO AMEND THE PROVISIONS OF THE ACT OF 1907
AND TO AMEND THE ACT OF 1908

AN ACT TO AMEND THE PROVISIONS OF THE ACT OF 1907
AND TO AMEND THE ACT OF 1908
EXPLANATORY NOTE

This Bill proposes a new Act designed to facilitate the acquisition of statistical information for the purposes of the Government.

The Act is permissive; it does not interfere with any existing governmental practices.

BILL 123

1962-63

An Act to authorize the Province of Ontario to Collect and Exchange Statistical Information

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "person", in addition to its meaning in *The Interpretation Act*, includes a municipality as defined in *The Department of Municipal Affairs Act*; R.S.O. 1960,
cc. 191, 98
- (b) "statistical information" means information relative to the economic, financial, industrial, commercial, social and general activities and condition of persons, whether such information is collected by means of sampling or any other statistical method.

2.—(1) Subject to subsections 3 and 4, the Lieutenant Governor in Council may authorize the minister of any department of government, Statistical
procedures
authorized

- (a) to enter into an agreement with the Government of Canada or the government of any province in Canada or any agency of any such government to provide for an exchange or joint collection of statistical information;
- (b) to collect, compile, analyse and publish statistical information;
- (c) to collect statistical information jointly with the minister of any other department of government.

(2) Every authorization given under clause *b* or *c* of subsection 1 shall have attached thereto a questionnaire setting out the questions that are proposed to be asked, the persons or class of persons to whom the questionnaire is directed and the time within such persons will be required to answer the questions and return the questionnaire. Question-
naires

Agreements

(3) Every agreement and every authorization proposed under this section shall be in writing and filed with the Minister of Economics and Development at least one month before submission to the Lieutenant Governor in Council.

Report

(4) The Minister of Economics and Development shall submit a report to the Lieutenant Governor in Council on every agreement and every authorization proposed under this section.

Questions
to be
answered

3. The questions in any questionnaire authorized under this Act shall be accurately and truthfully answered by each person to whom the questionnaire is directed and shall be returned to the minister who issued it.

Oath of
office and
secrecy

4.—(1) No person shall collect, compile, analyse or publish statistical information under this Act until he takes and subscribes before his minister, his deputy minister, or a person designated in writing by either of them, an oath of office and secrecy in the following form:

I,, do swear that I will faithfully discharge my duties under *The Statistics Act, 1962-63* and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties under *The Statistics Act, 1962-63*. So help me God.

No un-
authorized
disclosure

(2) Subject to section 6, no public servant having knowledge of the answers to questions asked in a questionnaire under this Act shall disclose or give to any person any information or document with respect to such answers without the written permission of his minister, and, except where statistical information is collected jointly under this Act, such permission shall be limited to the disclosing or giving of information or documents to public servants in the minister's department or in prosecutions instituted for offences against this Act.

No personal
liability

(3) No person who collects, compiles, analyses or publishes statistical information under this Act is personally liable for anything done by him under the authority of this Act.

No dis-
crimination

5.—(1) No person, when acting under the authority of this Act, shall discriminate between persons to the prejudice of any person.

Sampling
permitted

(2) Nothing in this section prohibits the collection of statistical information by means of sampling.

Release of
information

6.—(1) Statistical information acquired under this Act shall not be released in such form as will disclose any answer given in any questionnaire unless the person who gave the

answer has consented in writing to the release of such information, specifying the form in which such information may be released and the person or class of persons to whom it may be released.

(2) Subsection 1 does not apply to an index or list, whether released separately or in a report, summary of statistics or other publication under this Act, of answers to the questions in a questionnaire revealing only, ^{Indexes, etc., excepted}

- (a) the names and locations of individual firms or businesses; or
- (b) the types of products commercially produced, manufactured or dealt with by individual firms or businesses,

but no such list or index shall otherwise disclose any of the answers given to the questions in a questionnaire.

7. Any person who,

- (a) being required under the authority of this Act to answer any question in a questionnaire and to return it to the minister who issued it, fails to answer any such question or to return the questionnaire within the time prescribed; or

Offences:
failure to
give
answers;
false
answers

- (b) wilfully gives a false answer to any such question,

is, for every day of such failure or for every false answer, guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

8. Any person who,

- (a) in the pretended performance of his duties under this Act, obtains or seeks to obtain information that he is not duly authorized to obtain; or

Offences:
obtaining
unauthorized
information;
unauthorized
disclosure

- (b) discloses or gives any information or document to any person in contravention of subsection 2 of section 4,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

Offences:
affecting
market
value;
speculating

9. Any person who,

- (a) discloses or gives any information or document respecting an answer to a question in a questionnaire authorized under this Act to any person with the intent that the market value of a product is thereby affected; or
- (b) uses an answer in any such questionnaire for the purpose of speculating in a product,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than five years, or to both fine and imprisonment.

Regulations

10. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner in which information shall be collected, compiled, analysed or published under this Act;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Statistics Act, 1962-63*.

Figure 1 illustrates the experimental setup. A participant is seated at a table, looking at a screen. On the screen, there is a starting point (a large circle) and a target (a small circle). The distance between these two points is labeled 'Distance'. The participant's hand is positioned at the starting point. The screen is labeled 'Screen'. The participant is labeled 'Participant'.

An Act to authorize the Province of Ontario
to Collect and Exchange
Statistical Information

1st Reading

March 26th, 1963

2nd Reading

3rd Reading

MR. MACAULAY

BILL 123

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to authorize the Province of Ontario to Collect and Exchange Statistical Information

MR. MACAULAY

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTE

This Bill proposes a new Act designed to facilitate the acquisition of statistical information for the purposes of the Government.

The Act is permissive; it does not interfere with any existing governmental practices.

BILL 123

1962-63

An Act to authorize the Province of Ontario to Collect and Exchange Statistical Information

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "person", in addition to its meaning in *The Interpretation Act*, includes a municipality as defined in *The Department of Municipal Affairs Act*; R.S.O. 1960,
cc. 191, 98
- (b) "statistical information" means information relative to the economic, financial, industrial, commercial, social and general activities and condition of persons, whether such information is collected by means of sampling or any other statistical method.

2.—(1) Subject to subsections 3 and 4, the Lieutenant Governor in Council may authorize the minister of any department of government, Statistical
procedures
authorized

- (a) to enter into an agreement with the Government of Canada or the government of any province in Canada or any agency of any such government to provide for an exchange or joint collection of statistical information;
- (b) to collect, compile, analyse and publish statistical information;
- (c) to collect statistical information jointly with the minister of any other department of government.

(2) Every authorization given under clause *b* or *c* of subsection 1 shall have attached thereto a questionnaire setting out the questions that are proposed to be asked, the persons or class of persons to whom the questionnaire is directed and the time within such persons will be required to answer the questions and return the questionnaire. Question-
naires

Agreements (3) Every agreement and every authorization proposed under this section shall be in writing and filed with the Minister of Economics and Development before submission to the Lieutenant Governor in Council.

Report (4) The Minister of Economics and Development shall submit a report to the Lieutenant Governor in Council on every agreement and every authorization proposed under this section.

Questions to be answered 3. The questions in any questionnaire authorized under this Act shall be accurately and truthfully answered by each person to whom the questionnaire is directed and shall be returned to the minister who issued it.

Oath of office and secrecy 4.—(1) No person shall collect, compile, analyse or publish statistical information under this Act until he takes and subscribes before his minister, his deputy minister, or a person designated in writing by either of them, an oath of office and secrecy in the following form:

I,, do swear that I will faithfully discharge my duties under *The Statistics Act, 1962-63* and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties under *The Statistics Act, 1962-63*. So help me God.

No unauthorized disclosure (2) Subject to section 6, no public servant having knowledge of the answers to questions asked in a questionnaire under this Act shall disclose or give to any person any information or document with respect to such answers without the written permission of his minister, and, except where statistical information is collected jointly under this Act, such permission shall be limited to the disclosing or giving of information or documents to public servants in the minister's department or in prosecutions instituted for offences against this Act.

Answers to be confidential (3) Notwithstanding anything in this Act, no minister or public servant shall, in any way, use the answers to questions asked in a questionnaire authorized under this Act for any purpose other than the purposes of this Act.

No personal liability (4) No person who collects, compiles, analyses or publishes statistical information under this Act is personally liable for anything done by him under the authority of this Act.

No discrimination 5.—(1) No person, when acting under the authority of this Act, shall discriminate between persons to the prejudice of any person.

Sampling permitted (2) Nothing in this section prohibits the collection of statistical information by means of sampling.

6.—(1) Where a person who has answered a question in a questionnaire consents in writing, a minister may give permission to a public servant in his department who has knowledge of the answer to disclose or give the answer to one or more public servants in another department.

Disclosure
of informa-
tion to
another
department

(2) Subsection 1 does not apply to an index or list, whether released separately or in a report, summary of statistics or other publication under this Act, of answers to the questions in a questionnaire revealing only,

Indexes, etc.,
excepted

- (a) the names and locations of individual firms or businesses; or
- (b) the types of products commercially produced, manufactured or dealt with by individual firms or businesses,

but no such list or index shall otherwise disclose any of the answers given to the questions in a questionnaire.

7. Any person who,

Offences:
failure to
give
answers;
false
answers

- (a) being required under the authority of this Act to answer any question in a questionnaire and to return it to the minister who issued it, fails to answer, without lawful excuse, any such question or to return the questionnaire within the time prescribed; or

- (b) wilfully gives a false answer to any such question,

is, for every day of such failure or for every false answer, guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

8. Any person who,

Offences:
obtaining
unauthorized
information;
unauthorized
disclosure

- (a) in the pretended performance of his duties under this Act, obtains or seeks to obtain information that he is not duly authorized to obtain; or

- (b) discloses or gives any information or document to any person in contravention of subsection 2 of section 4,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

Offences:
affecting
market
value;
speculating

9. Any person who,

- (a) discloses or gives any information or document respecting an answer to a question in a questionnaire authorized under this Act to any person with the intent that the market value of a product is thereby affected; or
- (b) uses an answer in any such questionnaire for the purpose of speculating in a product,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than five years, or to both fine and imprisonment.

Regulations

10. The Lieutenant Governor in Council may make regulations,

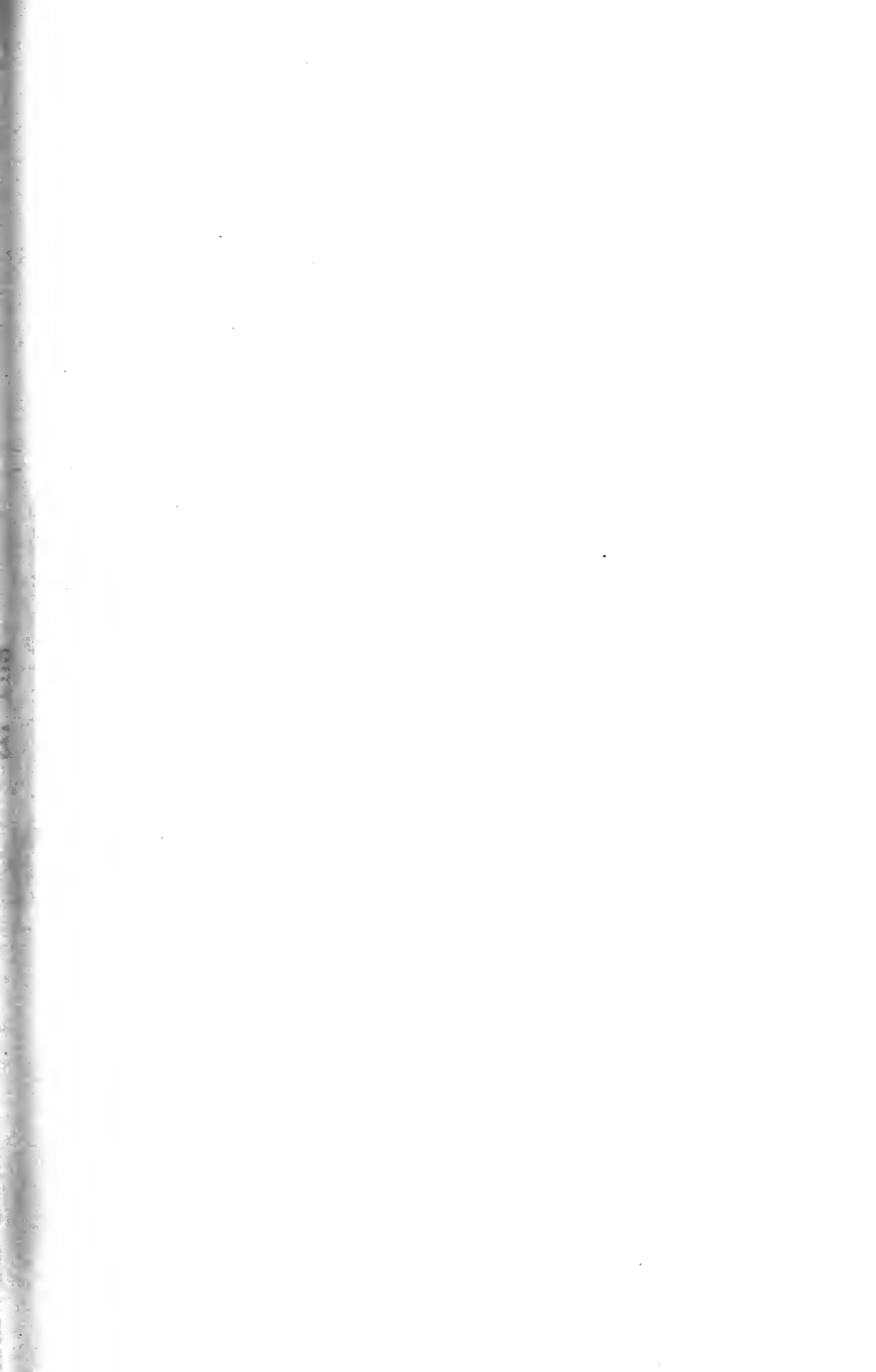
- (a) prescribing the manner in which information shall be collected, compiled, analysed or published under this Act;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Statistics Act, 1962-63*.



An Act to authorize the Province of Ontario
to Collect and Exchange
Statistical Information

1st Reading

March 26th, 1963

2nd Reading

April 1st, 1963

3rd Reading

MR. MACAULAY

*(Reprinted for consideration by the
Committee of the Whole House)*

BILL 123

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to authorize the Province of Ontario to Collect and Exchange Statistical Information

MR. MACAULAY



BILL 123

1962-63

An Act to authorize the Province of Ontario to Collect and Exchange Statistical Information

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "person", in addition to its meaning in *The Interpretation Act*, includes a municipality as defined in *The Department of Municipal Affairs Act*; R.S.O. 1960,
cc. 191, 98
- (b) "statistical information" means information relative to the economic, financial, industrial, commercial, social and general activities and condition of persons, whether such information is collected by means of sampling or any other statistical method.

2.—(1) Subject to subsections 3 and 4, the Lieutenant Governor in Council may authorize the minister of any department of government, Statistical
procedures
authorized

- (a) to enter into an agreement with the Government of Canada or the government of any province in Canada or any agency of any such government to provide for an exchange or joint collection of statistical information;
- (b) to collect, compile, analyse and publish statistical information;
- (c) to collect statistical information jointly with the minister of any other department of government.

(2) Every authorization given under clause *b* or *c* of subsection 1 shall have attached thereto a questionnaire setting out the questions that are proposed to be asked, the persons or class of persons to whom the questionnaire is directed and the time within such persons will be required to answer the questions and return the questionnaire. Question-
naires

Agreements

(3) Every agreement and every authorization proposed under this section shall be in writing and filed with the Minister of Economics and Development before submission to the Lieutenant Governor in Council.

Report

(4) The Minister of Economics and Development shall submit a report to the Lieutenant Governor in Council on every agreement and every authorization proposed under this section.

Questions to be answered

3. The questions in any questionnaire authorized under this Act shall be accurately and truthfully answered by each person to whom the questionnaire is directed and shall be returned to the minister who issued it.

Oath of office and secrecy

4.—(1) No person shall collect, compile, analyse or publish statistical information under this Act until he takes and subscribes before his minister, his deputy minister, or a person designated in writing by either of them, an oath of office and secrecy in the following form:

I,, do swear that I will faithfully discharge my duties under *The Statistics Act, 1962-63* and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties under *The Statistics Act, 1962-63*. So help me God.

No unauthorized disclosure

(2) Subject to section 6, no public servant having knowledge of the answers to questions asked in a questionnaire under this Act shall disclose or give to any person any information or document with respect to such answers without the written permission of his minister, and, except where statistical information is collected jointly under this Act, such permission shall be limited to the disclosing or giving of information or documents to public servants in the minister's department or in prosecutions instituted for offences against this Act.

Answers to be confidential

(3) Notwithstanding anything in this Act, no minister or public servant shall, in any way, use the answers to questions asked in a questionnaire authorized under this Act for any purpose other than the purposes of this Act.

No personal liability

(4) No person who collects, compiles, analyses or publishes statistical information under this Act is personally liable for anything done by him under the authority of this Act.

No discrimination

5.—(1) No person, when acting under the authority of this Act, shall discriminate between persons to the prejudice of any person.

Sampling permitted

(2) Nothing in this section prohibits the collection of statistical information by means of sampling.

6.—(1) Where a person who has answered a question in a questionnaire consents in writing, a minister may give per-^{Disclosure of informa-} mission to a public servant in his department who has^{tion to another} knowledge of the answer to disclose or give the answer to^{department} one or more public servants in another department.

(2) Subsection 1 does not apply to an index or list, whether^{Indexes, etc.,} released separately or in a report, summary of statistics or^{excepted} other publication under this Act, of answers to the questions in a questionnaire revealing only,

- (a) the names and locations of individual firms or businesses; or
- (b) the types of products commercially produced, manufactured or dealt with by individual firms or businesses,

but no such list or index shall otherwise disclose any of the answers given to the questions in a questionnaire.

7. Any person who,

- (a) being required under the authority of this Act to answer any question in a questionnaire and to return it to the minister who issued it, fails to answer, without lawful excuse, any such question or to return the questionnaire within the time prescribed; or
- (b) wilfully gives a false answer to any such question,

Offences:
failure to
give
answers;
false
answers

is, for every day of such failure or for every false answer, guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

8. Any person who,

- (a) in the pretended performance of his duties under this Act, obtains or seeks to obtain information that he is not duly authorized to obtain; or
- (b) discloses or gives any information or document to any person in contravention of subsection 2 of section 4,

Offences:
obtaining
unauthorized
information;
unauthorized
disclosure

is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

Offences:
affecting
market
value;
speculating

9. Any person who,

- (a) discloses or gives any information or document respecting an answer to a question in a questionnaire authorized under this Act to any person with the intent that the market value of a product is thereby affected; or
- (b) uses an answer in any such questionnaire for the purpose of speculating in a product,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than five years, or to both fine and imprisonment.

Regulations

10. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner in which information shall be collected, compiled, analysed or published under this Act;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Statistics Act, 1962-63*.

An Act to authorize the Province of Ontario
to Collect and Exchange
Statistical Information

1st Reading

March 26th, 1963

2nd Reading

April 1st, 1963

3rd Reading

April 26th, 1963

MR. MACAULAY

BILL 124

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Assessment Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. The amendment defines "corporation assessment" for the purpose of indicating such assessment on the assessment roll.

SECTION 2. The amendment provides that the exemption from taxation of educational seminaries does not apply to lands rented or leased to seminaries by any person other than another such institution.

SECTION 3. Section 13 limits the amount of taxes imposed on a telephone company to not more than 5 per cent of the gross receipts. Any deficiency that may arise is chargeable to the general funds of the municipality and is not chargeable back to the bodies for which council is required to raise money, as is ordinarily the case under section 207. The amendments to section 13 and to section 207 (see section 12 of this Bill) will require any such deficiency to be charged back to such bodies.

BILL 124

1962-63

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 1,
amended

(aa) "corporation assessment" means the assessment of land liable to taxation, of which a corporation is the owner or tenant, and business assessment of a corporation, but does not include the assessment of land that is assessed to a person other than a corporation as a tenant.

2. Paragraph 6 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 4,
par. 6,
amended

(a) The exemption from taxation under this paragraph does not apply to lands rented or leased to a seminary of learning mentioned in this paragraph by any person other than another such seminary of learning or a person already exempt from taxation in respect of the property rented or leased. When
exemption
not to
apply

3. Section 13 of *The Assessment Act* is amended by striking out "and the effect of such limitation is the responsibility of the municipality and shall be charged to its general funds and not to any body for which the council is required by law to levy and impose taxes and rates" in the eighth, ninth, tenth and eleventh lines, so that the section shall read as follows: R.S.O. 1960,
c. 23, s. 13,
amended

13. Notwithstanding the other provisions of this Act or any other general or special Act, the total amount of the taxes and rates levied and imposed in any year in respect of the gross receipts of a telephone company in a municipality shall not exceed an amount equal to 5 per cent of the total of the gross Limit of
taxation
of gross
receipts of
a telephone
company

receipts of the company from its business in the municipality for the year ending on the 31st day of December next preceding the assessment.

R.S.O. 1960,
c. 23, s. 20,
subs. 2,
amended

4.—(1) Subsection 2 of section 20 of *The Assessment Act* is amended by adding thereto the following column:

Column 27a.—Corporation assessment, by inserting the letter "C" where applicable.

Duty of
assessor
in 1963

(2) The assessor, in the year 1963, shall complete column 27a whether or not the roll has been revised.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

5—(1) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1960-61* and subsection 1 of section 4 of *The Assessment Amendment Act, 1961-62*, is further amended by striking out "no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply" in the eighth, ninth and tenth lines and inserting in lieu thereof "in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming", so that the subsection shall read as follows:

Farm
lands and
buildings

(3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only, and in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming.

R.S.O. 1960,
c. 23, s. 35,
amended

(2) The said section 35 is amended by adding thereto the following subsection:

Effect of
assessment
determined
on appeal

(3b) When an appeal has been taken in respect of the assessment of farm lands mentioned in subsection 3 from the decision of a court of revision, the assessment as finally determined on appeal shall remain fixed in respect of the same lands and buildings for a period of two years after the year in respect of which such appeal was taken so long as the lands and buildings are owned by a person whose principal occupation is farming.

SECTION 4. The amendment adds a new column to the assessment roll and requires the assessor to indicate corporation assessment.

SECTION 5—Subsection 1. The amendment provides that, in determining the sale value of farm lands for assessment purposes, consideration shall not be given to sales of lands and buildings sold to persons whose principal occupation is not farming.

Subsections 2 and 3. Self-explanatory.

SECTION 6. The amendment is for the purpose of clarification and to bring the section in line with other provisions of a similar nature that use the word "vicinity" rather than "locality".

SECTION 7—Subsection 1. The amendment provides that heating plants of a railway company are assessable for property tax.

Subsection 2. The amendment provides that hotels of a railway company and a portion of a heating plant are not exempt from business assessment under section 9 of the Act.

(3) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1, is effective with respect to assessments made in the year 1962 of lands in respect of which assessment appeals have not been finally determined and with respect to assessments made in subsequent years, and subsection 3b of the said section 35, as enacted by subsection 2, is effective with respect to assessments made in the year 1962 and subsequent years. Effect of
R.S.O. 1960,
c. 23, s. 35,
subss. 3, 3b

6. Subsection 3 of section 43 of *The Assessment Act* is amended by striking out "locality" in the ninth line and inserting in lieu thereof "vicinity", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 43,
subss. 3,
amended

(3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied on the assessment for real property that is used as a basis for computing business assessment in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the vicinity and the assessed value of such buildings, would produce. Annual
payments to
municipalities

7.—(1) Subsection 3 of section 46 of *The Assessment Act* is amended by inserting after "hotels" in the fifth line "heating plants", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 46,
subss. 3,
amended

(3) Notwithstanding any other provision in this Act, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, heating plants, roundhouses and machine, repair and other shops) shall not be assessed. Rails, ties,
poles, sub-
structures,
etc., not
assessable

(2) Subsection 5 of the said section 46 is amended by adding at the end thereof "and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 46,
subss. 5,
amended

Exemption
from other
assessments

- (5) A railway company assessed under this section is exempt from assessment in any other manner for municipal purposes, except for local improvements and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year.

Effect

- (3) The provisions of subsections 1 and 2 are effective for the purposes of taxation in the year 1964 and subsequent years.

R.S.O. 1960,
c. 23, s. 47,
re-enacted

8. Section 47 of *The Assessment Act* is repealed and the following substituted therefor:

Quinquen-
nial railway
assessment

47. When an assessment has been made under section 46, the amount thereof in the roll as finally revised and corrected for the year is the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment, but at any time before the return of the assessment roll in any year,

- (a) the amount may be reduced by deducting therefrom the value of any land or property included in such assessment that has ceased to belong to the company; and
- (b) the amount may be increased by adding thereto the value of any additional land or property not included in such assessment and the value or increase in value of any land or property of the company that is erected, altered or enlarged and the value or increase in value of any land or property or portion thereof that has ceased to be exempt from taxation.

R.S.O. 1960,
c. 23, s. 72,
subs. 21,
amended

9. Subsection 21 of section 72 of *The Assessment Act* is amended by striking out "municipality" in the first line and inserting in lieu thereof "court of revision", so that the subsection shall read as follows:

Alteration
of roll
by clerk

- (21) The clerk of the court of revision shall forthwith alter and amend the assessment roll in accordance with the decisions of the court of revision, and shall write his name or initials against every alteration or amendment.

SECTION 8. The amendment is complementary to the amendments to section 46. See section 7 of this Bill.

SECTION 9. The amendment will require the clerk of the court of revision instead of the clerk of the municipality to amend the assessment roll in accordance with the decisions of the court of revision. This will apply where the municipal clerk has designated some other person to be the clerk of the court.

SECTION 10. The amendment is to provide for the appointment of a county assessment commissioner by a majority vote, subject to the approval of the Minister.

SECTION 11—Subsection 1. The payments received by a municipality for compensation for loss of taxes under *The Ottawa River Water Powers Act, 1943* must be distributed to the bodies entitled thereto in the same way as payments in lieu of taxes received under section 245 of *The Assessment Act*. The result of the amendment is that these payments will be excepted from equalization for county purposes.

Subsection 2. Under the *Municipal Grants Act* (Canada), the Federal Government makes grants which are based on the application of rates of taxation applicable to federal property, if that property were taxable. Normally, this is the valuation which, under subsection 3 of section 98, is used for apportionment in determining county rates. However, under section 5, subsection 3, of the Federal Act deductions may be made by the Minister which, in some instances, substantially reduce the amount of the grant. Under present legislation the valuations upon which the grants are made remain the same for purposes of apportionment so that the increase in county rates payable by a municipality based on this apportionment could exceed, and in some instances has exceeded, the amount of the Federal grant. The amendment is designed to remove this inequity.

10. Subsection 1 of section 93a of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61*, is amended by striking out "with the unanimous assent of the members thereof" in the first and second lines and inserting in lieu thereof "subject to the approval of the Minister", so that the subsection shall read as follows:

R.S.O. 1960,
c. 23, s. 93a
(1960-61,
c. 4, s. 14),
subs. 1,
amended

- (1) The council of a county may, subject to the approval of the Minister, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county, and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

County
assessment
commis-
sioner

11.—(1) Subsection 3 of section 98 of *The Assessment Act*, as re-enacted by section 11 of *The Assessment Amendment Act, 1961-62*, is amended by inserting after "Ontario" in the eighth line "except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 23, s. 98
(1961-62,
c. 6, s. 11),
subs. 3,
amended

- (3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

Valuations
on which
payments
in lieu of
taxes paid
to be added
to aggregate
valuations

1943, c. 21

- (2) The said section 98 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 23, s. 98
(1961-62,
c. 6, s. 11),
amended

- (4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada),

idem
R.S.C. 1952,
c. 182

the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants were reduced.

R.S.O. 1960,
c. 23, s. 207,
amended

12. Section 207 of *The Assessment Act* is amended by inserting after "taxes" in the sixth line "or by the limitation of taxation of a telephone company under section 13", so that the section shall read as follows:

Where
deficiency
occurs

207. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 13, the council shall charge back a proportionate share thereof to every such body.

Commence-
ment

13.—(1) This Act, except sections 1, 2, 3 and 4, subsection 1 of section 5 and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 5 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Sections 1, 4 and 11 shall be deemed to have come into force on the 1st day of January, 1963.

Idem

(4) Sections 2, 3 and 12 come into force on the 1st day of January, 1964.

Short title

14. This Act may be cited as *The Assessment Amendment Act, 1962-63*.

SECTION 12. The amendment is complementary to the amendment to section 13. See section 3 of this Bill.

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An Act to amend The Assessment Act

1st Reading

March 26th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 124

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Assessment Act

MR. SPOONER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The amendment defines "corporation assessment" for the purpose of indicating such assessment on the assessment roll.

SECTION 2. The amendment provides that the exemption from taxation of educational seminaries does not apply to lands rented or leased to seminaries by any person other than another such institution.

SECTION 3. Section 13 limits the amount of taxes imposed on a telephone company to not more than 5 per cent of the gross receipts. Any deficiency that may arise is chargeable to the general funds of the municipality and is not chargeable back to the bodies for which council is required to raise money, as is ordinarily the case under section 207. The amendments to section 13 and to section 207 (see section 12 of this Bill) will require any such deficiency to be charged back to such bodies.

BILL 124

1962-63

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 23, s. 1, amended

(aa) "corporation assessment" means the assessment of land liable to taxation, of which a corporation is the owner or tenant, and business assessment of a corporation, but does not include the assessment of land that is assessed to a person other than a corporation as a tenant.

2. Paragraph 6 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 23, s. 4, par. 6, amended

(a) The exemption from taxation under this paragraph does not apply to lands rented or leased to a seminary of learning mentioned in this paragraph by any person other than another such seminary of learning or a person already exempt from taxation in respect of the property rented or leased. When exemption not to apply

3. Section 13 of *The Assessment Act* is amended by striking out "and the effect of such limitation is the responsibility of the municipality and shall be charged to its general funds and not to any body for which the council is required by law to levy and impose taxes and rates" in the eighth, ninth, tenth and eleventh lines, so that the section shall read as follows: R.S.O. 1960, c. 23, s. 13, amended

13. Notwithstanding the other provisions of this Act or any other general or special Act, the total amount of the taxes and rates levied and imposed in any year in respect of the gross receipts of a telephone company in a municipality shall not exceed an amount equal to 5 per cent of the total of the gross Limit of taxation of gross receipts of a telephone company

receipts of the company from its business in the municipality for the year ending on the 31st day of December next preceding the assessment.

R.S.O. 1960,
c. 23, s. 20,
subs. 2,
amended

4.—(1) Subsection 2 of section 20 of *The Assessment Act* is amended by adding thereto the following column:

Column 27a.—Corporation assessment, by inserting the letter "C" where applicable.

Duty of
assessor
in 1963

(2) The assessor, in the year 1963, shall complete column 27a whether or not the roll has been revised.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

5—(1) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1960-61* and subsection 1 of section 4 of *The Assessment Amendment Act, 1961-62*, is further amended by striking out "no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply" in the eighth, ninth and tenth lines and inserting in lieu thereof "in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming", so that the subsection shall read as follows:

Farm
lands and
buildings

(3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only, and in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming.

R.S.O. 1960,
c. 23, s. 35,
amended

(2) The said section 35 is amended by adding thereto the following subsection:

Effect of
assessment
determined
on appeal

(3b) When an appeal has been taken in respect of the assessment of farm lands mentioned in subsection 3 from the decision of a court of revision, the assessment as finally determined on appeal shall remain fixed in respect of the same lands and buildings for a period of two years after the year in respect of which such appeal was taken so long as the lands and buildings are owned by a person whose principal occupation is farming.

SECTION 4. The amendment adds a new column to the assessment roll and requires the assessor to indicate corporation assessment.

SECTION 5—Subsection 1. The amendment provides that, in determining the sale value of farm lands for assessment purposes, consideration shall not be given to sales of lands and buildings sold to persons whose principal occupation is not farming.

Subsections 2 and 3. Self-explanatory.

SECTION 6. The amendment is for the purpose of clarification and to bring the section in line with other provisions of a similar nature that use the word "vicinity" rather than "locality".

SECTION 7—Subsection 1. The amendment provides that heating plants of a railway company are assessable for property tax.

Subsection 2. The amendment provides that hotels of a railway company and a portion of a heating plant are not exempt from business assessment under section 9 of the Act.

(3) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1, is effective with respect to assessments made in the year 1962 of lands in respect of which assessment appeals have not been finally determined and with respect to assessments made in subsequent years, and subsection 3b of the said section 35, as enacted by subsection 2, is effective with respect to assessments made in the year 1962 and subsequent years. Effect of R.S.O. 1960, c. 23, s. 35, subss. 3, 3b

6. Subsection 3 of section 43 of *The Assessment Act* is amended by striking out "locality" in the ninth line and inserting in lieu thereof "vicinity", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 43, subss. 3, amended

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied on the assessment for real property that is used as a basis for computing business assessment in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the vicinity and the assessed value of such buildings, would produce. Annual payments to municipalities

7.—(1) Subsection 3 of section 46 of *The Assessment Act* is amended by inserting after "hotels" in the fifth line "heating plants" and by adding at the end thereof "but heating plants shall be exempt from assessment to the extent that the amount of steam or heat is used in relation to the cleaning or heating of rolling stock", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 46, subss. 3, amended

- (3) Notwithstanding any other provision in this Act, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, heating plants, roundhouses and machine, repair and other shops) shall not be assessed, but heating plants shall be exempt from assessment to the extent that the amount of steam or heat is used in relation to the cleaning or heating of rolling stock. Rails, ties, poles, substructures, etc., not assessable

(2) Subsection 5 of the said section 46 is amended by adding at the end thereof "and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is R.S.O. 1960, c. 23, s. 46, subss. 5, amended

sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year", so that the subsection shall read as follows:

Exemption
from other
assessments

- (5) A railway company assessed under this section is exempt from assessment in any other manner for municipal purposes, except for local improvements and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year.

Effect

- (3) The provisions of subsections 1 and 2 are effective for the purposes of taxation in the year 1964 and subsequent years.

R.S.O. 1960,
c. 23, s. 47,
re-enacted

8. Section 47 of *The Assessment Act* is repealed and the following substituted therefor:

Quinquen-
nial railway
assessment

47. When an assessment has been made under section 46, the amount thereof in the roll as finally revised and corrected for the year is the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment, but at any time before the return of the assessment roll in any year,

(a) the amount may be reduced by deducting therefrom the value of any land or property included in such assessment that has ceased to belong to the company; and

(b) the amount may be increased by adding thereto the value of any additional land or property not included in such assessment and the value or increase in value of any land or property of the company that is erected, altered or enlarged and the value or increase in value of any land or property or portion thereof that has ceased to be exempt from taxation.

R.S.O. 1960,
c. 23, s. 72,
subs. 21,
amended

9. Subsection 21 of section 72 of *The Assessment Act* is amended by striking out "municipality" in the first line and inserting in lieu thereof "court of revision", so that the subsection shall read as follows:

SECTION 8. The amendment is complementary to the amendments to section 46. See section 7 of this Bill.

SECTION 9. The amendment will require the clerk of the court of revision instead of the clerk of the municipality to amend the assessment roll in accordance with the decisions of the court of revision. This will apply where the municipal clerk has designated some other person to be the clerk of the court.

SECTION 10. The amendment is to provide for the appointment of a county assessment commissioner by a majority vote, subject to the approval of the Minister.

SECTION 11—Subsection 1. The payments received by a municipality for compensation for loss of taxes under *The Ottawa River Water Powers Act, 1943* must be distributed to the bodies entitled thereto in the same way as payments in lieu of taxes received under section 245 of *The Assessment Act*. The result of the amendment is that these payments will be excepted from equalization for county purposes.

- (21) The clerk of the court of revision shall forthwith alter and amend the assessment roll in accordance with the decisions of the court of revision, and shall write his name or initials against every alteration or amendment. Alteration of roll by clerk

10. Subsection 1 of section 93a of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61*, is amended by striking out "with the unanimous assent of the members thereof" in the first and second lines and inserting in lieu thereof "subject to the approval of the Minister", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 93a (1960-61, c. 4, s. 14), subs. 1, amended

- (1) The council of a county may, subject to the approval of the Minister, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county, and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities. County assessment commissioner

11.—(1) Subsection 3 of section 98 of *The Assessment Act*, as re-enacted by section 11 of *The Assessment Amendment Act, 1961-62*, is amended by inserting after "Ontario" in the eighth line "except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 98 (1961-62, c. 6, s. 11), subs. 3, amended

- (3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94. Valuations on which payments in lieu of taxes paid to be added to aggregate valuations 1943, c. 21

R.S.O. 1960,
c. 23, s. 98
(1961-62,
c. 6, s. 11),
amended

(2) The said section 98 is amended by adding thereto the following subsection:

Idem

- (4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants were reduced.

R.S.C. 1952,
c. 182

R.S.O. 1960,
c. 23, s. 207,
amended

12. Section 207 of *The Assessment Act* is amended by inserting after "taxes" in the sixth line "or by the limitation of taxation of a telephone company under section 13", so that the section shall read as follows:

Where
deficiency
occurs

207. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 13, the council shall charge back a proportionate share thereof to every such body.

Commence-
ment

13.—(1) This Act, except sections 1, 2, 3 and 4, subsection 1 of section 5 and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 5 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Sections 1, 3, 4 and 11 shall be deemed to have come into force on the 1st day of January, 1963.

Idem

(4) Sections 2 and 12 come into force on the 1st day of January, 1964.

Short title

14. This Act may be cited as *The Assessment Amendment Act, 1962-63*.

Subsection 2. Under the *Municipal Grants Act* (Canada), the Federal Government makes grants which are based on the application of rates of taxation applicable to federal property, if that property were taxable. Normally, this is the valuation which, under subsection 3 of section 98, is used for apportionment in determining county rates. However, under section 5, subsection 3, of the Federal Act deductions may be made by the Minister which, in some instances, substantially reduce the amount of the grant. Under present legislation the valuations upon which the grants are made remain the same for purposes of apportionment so that the increase in county rates payable by a municipality based on this apportionment could exceed, and in some instances has exceeded, the amount of the Federal grant. The amendment is designed to remove this inequity.

SECTION 12. The amendment is complementary to the amendment to section 13. See section 3 of this Bill.

of course of all human life.

An Act to amend The Assessment Act

1st Reading

March 26th, 1963

2nd Reading

March 29th, 1963

3rd Reading

MR. SPOONER

(Reprinted as amended by the
Committee on Municipal Law)

BILL 124

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Assessment Act

MR. SPOONER



BILL 124

1962-63

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 1,
amended

(aa) "corporation assessment" means the assessment of land liable to taxation, of which a corporation is the owner or tenant, and business assessment of a corporation, but does not include the assessment of land that is assessed to a person other than a corporation as a tenant.

2. Paragraph 6 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 4,
par. 6,
amended

(a) The exemption from taxation under this paragraph does not apply to lands rented or leased to a seminary of learning mentioned in this paragraph by any person other than another such seminary of learning or a person already exempt from taxation in respect of the property rented or leased. When
exemption
not to
apply

3. Section 13 of *The Assessment Act* is amended by striking out "and the effect of such limitation is the responsibility of the municipality and shall be charged to its general funds and not to any body for which the council is required by law to levy and impose taxes and rates" in the eighth, ninth, tenth and eleventh lines, so that the section shall read as follows: R.S.O. 1960,
c. 23, s. 13,
amended

13. Notwithstanding the other provisions of this Act or any other general or special Act, the total amount of the taxes and rates levied and imposed in any year in respect of the gross receipts of a telephone company in a municipality shall not exceed an amount equal to 5 per cent of the total of the gross Limit of
taxation
of gross
receipts of
a telephone
company

receipts of the company from its business in the municipality for the year ending on the 31st day of December next preceding the assessment.

R.S.O. 1960,
c. 23, s. 20,
subs. 2,
amended

4.—(1) Subsection 2 of section 20 of *The Assessment Act* is amended by adding thereto the following column:

Column 27a.—Corporation assessment, by inserting the letter "C" where applicable.

Duty of
assessor
in 1963

(2) The assessor, in the year 1963, shall complete column 27a whether or not the roll has been revised.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

5.—(1) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1960-61* and subsection 1 of section 4 of *The Assessment Amendment Act, 1961-62*, is further amended by striking out "no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply" in the eighth, ninth and tenth lines and inserting in lieu thereof "in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming", so that the subsection shall read as follows:

Farm
lands and
buildings

(3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only, and in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming.

R.S.O. 1960,
c. 23, s. 35,
amended

(2) The said section 35 is amended by adding thereto the following subsection:

Effect of
assessment
determined
on appeal

(3b) When an appeal has been taken in respect of the assessment of farm lands mentioned in subsection 3 from the decision of a court of revision, the assessment as finally determined on appeal shall remain fixed in respect of the same lands and buildings for a period of two years after the year in respect of which such appeal was taken so long as the lands and buildings are owned by a person whose principal occupation is farming.

(3) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1, is effective with respect to assessments made in the year 1962 of lands in respect of which assessment appeals have not been finally determined and with respect to assessments made in subsequent years, and subsection 3*b* of the said section 35, as enacted by subsection 2, is effective with respect to assessments made in the year 1962 and subsequent years. Effect of R.S.O. 1960, c. 23, s. 35, subss. 3, 3*b*

6. Subsection 3 of section 43 of *The Assessment Act* is amended by striking out "locality" in the ninth line and inserting in lieu thereof "vicinity", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 43, subss. 3, amended

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied on the assessment for real property that is used as a basis for computing business assessment in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the vicinity and the assessed value of such buildings, would produce. Annual payments to municipalities

7.—(1) Subsection 3 of section 46 of *The Assessment Act* is amended by inserting after "hotels" in the fifth line "heating plants" and by adding at the end thereof "but heating plants shall be exempt from assessment to the extent that the amount of steam or heat is used in relation to the cleaning or heating of rolling stock", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 46, subss. 3, amended

- (3) Notwithstanding any other provision in this Act, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, heating plants, roundhouses and machine, repair and other shops) shall not be assessed, but heating plants shall be exempt from assessment to the extent that the amount of steam or heat is used in relation to the cleaning or heating of rolling stock. Rails, ties, poles, substructures, etc., not assessable

(2) Subsection 5 of the said section 46 is amended by adding at the end thereof "and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is R.S.O. 1960, c. 23, s. 46, subss. 5, amended

sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year", so that the subsection shall read as follows:

Exemption
from other
assessments

- (5) A railway company assessed under this section is exempt from assessment in any other manner for municipal purposes, except for local improvements and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year.

Effect

- (3) The provisions of subsections 1 and 2 are effective for the purposes of taxation in the year 1964 and subsequent years.

R.S.O. 1960,
c. 23, s. 47,
re-enacted

8. Section 47 of *The Assessment Act* is repealed and the following substituted therefor:

Quinquen-
nial railway
assessment

47. When an assessment has been made under section 46, the amount thereof in the roll as finally revised and corrected for the year is the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment, but at any time before the return of the assessment roll in any year,

(a) the amount may be reduced by deducting therefrom the value of any land or property included in such assessment that has ceased to belong to the company; and

(b) the amount may be increased by adding thereto the value of any additional land or property not included in such assessment and the value or increase in value of any land or property of the company that is erected, altered or enlarged and the value or increase in value of any land or property or portion thereof that has ceased to be exempt from taxation.

R.S.O. 1960,
c. 23, s. 72,
subs. 21,
amended

9. Subsection 21 of section 72 of *The Assessment Act* is amended by striking out "municipality" in the first line and inserting in lieu thereof "court of revision", so that the subsection shall read as follows:

- (21) The clerk of the court of revision shall forthwith alter and amend the assessment roll in accordance with the decisions of the court of revision, and shall write his name or initials against every alteration or amendment.

10. Subsection 1 of section 93a of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61*, is amended by striking out "with the unanimous assent of the members thereof" in the first and second lines and inserting in lieu thereof "subject to the approval of the Minister", so that the subsection shall read as follows:

- (1) The council of a county may, subject to the approval of the Minister, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county, and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

11.—(1) Subsection 3 of section 98 of *The Assessment Act*, as re-enacted by section 11 of *The Assessment Amendment Act, 1961-62*, is amended by inserting after "Ontario" in the eighth line "except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*", so that the subsection shall read as follows:

- (3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

R.S.O. 1960,
c. 23, s. 98
(1961-62,
c. 6, s. 11),
amended

(2) The said section 98 is amended by adding thereto the following subsection:

Idem

- (4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants were reduced.

R.S.C. 1952,
c. 182

12. Section 207 of *The Assessment Act* is amended by inserting after "taxes" in the sixth line "or by the limitation of taxation of a telephone company under section 13", so that the section shall read as follows:

Where
deficiency
occurs

207. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 13, the council shall charge back a proportionate share thereof to every such body.

Commence-
ment

13.—(1) This Act, except sections 1, 2, 3 and 4, subsection 1 of section 5 and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 5 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Sections 1, 3, 4 and 11 shall be deemed to have come into force on the 1st day of January, 1963.

Idem

(4) Sections 2 and 12 come into force on the 1st day of January, 1964.

Short title

14. This Act may be cited as *The Assessment Amendment Act, 1962-63*.

An Act to amend The Assessment Act

1st Reading

March 26th, 1963

2nd Reading

March 29th, 1963

3rd Reading

April 26th, 1963

MR. SPOONER

BILL 125

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1962-63**

An Act to amend The Collection Agencies Act

MR. CASS

EXPLANATORY NOTE

The purpose of this Bill is,

- (1) to transfer the routine administrative functions from the Superintendent of Insurance to the registrar;
- (2) to provide that the registrar shall not cancel, etc., a licence without affording the licensee an opportunity to be heard;
- (3) to provide the right to a hearing and review by the Superintendent of Insurance of any order of the registrar cancelling, etc., a licence.

Section 31 of the Act repealed by section 13 of the Bill reads as follows:

31. No proceedings under this Act shall be instituted except with the consent or under the direction of the Superintendent.

BILL 125

1962-63

An Act to amend The Collection Agencies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Collection Agencies Act* is amended by striking out “The Superintendent, upon the recommendation of the registrar, may issue a licence to any person” in the first and second lines and inserting in lieu thereof “The registrar may issue a licence to any person”. R.S.O. 1960, c. 58, s. 6, subs. 1, amended

(2) Subsection 3 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 58, s. 6, subs. 3, re-enacted

(3) The registrar, after giving the applicant or licensee, as the case may be, an opportunity to be heard, may refuse to issue or renew any licence or may suspend or cancel any licence. Licence may be refused, etc.

2. Section 9 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line, the sixth line and the seventh line and inserting in lieu thereof in each instance “registrar”. R.S.O. 1960, c. 58, s. 9, amended

3. Subsection 2 of section 12 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the second line and the sixth line and inserting in lieu thereof in each instance “registrar”. R.S.O. 1960, c. 58, s. 12, subs. 2, amended

4. Section 13 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “registrar”. R.S.O. 1960, c. 58, s. 13, amended

5. Section 16 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “registrar”. R.S.O. 1960, c. 58, s. 16, amended

R.S.O. 1960,
c. 58, s. 17,
subs. 2,
amended

6. Subsection 2 of section 17 of *The Collection Agencies Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "registrar".

R.S.O. 1960,
c. 58, s. 20,
cl. b,
amended

7. Clause b of section 20 of *The Collection Agencies Act* is amended by striking out "Superintendent" in the fourth line and inserting in lieu thereof "registrar".

R.S.O. 1960,
c. 58, s. 24,
amended

8. Section 24 of *The Collection Agencies Act* is amended by striking out "Superintendent granting or" in the second line and inserting in lieu thereof "registrar" and by striking out "in the application or" in the fifth and sixth lines, so that the section shall read as follows:

Notice of
decision, etc.

24. A notice of every direction, decision, order or ruling of the registrar refusing to grant a licence, or refusing to renew a licence, or suspending or cancelling a licence, shall be served upon the collection agency or collector whose licence is thereby affected at the address appearing upon the records of the registrar.

R.S.O. 1960,
c. 58, s. 25,
subss. 2-4,
re-enacted

9. Subsections 2, 3 and 4 of section 25 of *The Collection Agencies Act* are repealed and the following substituted therefor:

Notice of
hearing

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing.

Evidence

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review, and he is not bound by any law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to
summon
witnesses,
etc.

(4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.

- (4a) Upon a review, the Superintendent may by order ^{Power on review} direct the registrar to make such direction, decision, order or ruling or to do such other act as the registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the registrar shall make such direction, decision, order or ruling or do such act accordingly.

10. Section 27 of *The Collection Agencies Act* is amended ^{R.S.O. 1960, c. 58, s. 27, amended} by striking out "Superintendent" in the second line, the fourth line and the eighth line and inserting in lieu thereof in each instance "registrar".

11. Section 28 of *The Collection Agencies Act* is amended ^{R.S.O. 1960, c. 58, s. 28, amended} by striking out "Superintendent" in the second and third lines and inserting in lieu thereof "registrar".

12. Section 30 of *The Collection Agencies Act* is amended ^{R.S.O. 1960, c. 58, s. 30, amended} by striking out "Superintendent" in the fourth line and inserting in lieu thereof "registrar".

13. Section 31 of *The Collection Agencies Act* is repealed. ^{R.S.O. 1960, c. 58, s. 31, repealed}

14. Clause *c* of section 32 of *The Collection Agencies Act* is ^{R.S.O. 1960, c. 58, s. 32, amended} amended by striking out "Superintendent" in the second line and inserting in lieu thereof "registrar".

15. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

16. This Act may be cited as *The Collection Agencies* ^{Short title} *Amendment Act, 1962-63.*

An Act to amend
The Collection Agencies Act

1st Reading

March 27th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 125

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Collection Agencies Act

MR. CASS

BILL 125

1962-63

An Act to amend The Collection Agencies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Collection Agencies Act* is amended by striking out “The Superintendent, upon the recommendation of the registrar, may issue a licence to any person” in the first and second lines and inserting in lieu thereof “The registrar may issue a licence to any person”. R.S.O. 1960, c. 58, s. 6, subs. 1, amended

(2) Subsection 3 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 58, s. 6, subs. 3, re-enacted

(3) The registrar, after giving the applicant or licensee, as the case may be, an opportunity to be heard, may refuse to issue or renew any licence or may suspend or cancel any licence. Licence may be refused, etc.

2. Section 9 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line, in the sixth line and in the seventh line and inserting in lieu thereof in each instance “registrar”. R.S.O. 1960, c. 58, s. 9, amended

3. Subsection 2 of section 12 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the second line and in the sixth line and inserting in lieu thereof in each instance “registrar”. R.S.O. 1960, c. 58, s. 12, subs. 2, amended

4. Section 13 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “registrar”. R.S.O. 1960, c. 58, s. 13, amended

5. Section 16 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “registrar”. R.S.O. 1960, c. 58, s. 16, amended

R.S.O. 1960,
c. 58, s. 17,
subs. 2,
amended

6. Subsection 2 of section 17 of *The Collection Agencies Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "registrar".

R.S.O. 1960,
c. 58, s. 20,
cl. b,
amended

7. Clause b of section 20 of *The Collection Agencies Act* is amended by striking out "Superintendent" in the fourth line and inserting in lieu thereof "registrar".

R.S.O. 1960,
c. 58, s. 24,
amended

8. Section 24 of *The Collection Agencies Act* is amended by striking out "Superintendent granting or" in the second line and inserting in lieu thereof "registrar" and by striking out "in the application or" in the fifth and sixth lines, so that the section shall read as follows:

Notice of
decision, etc.

24. A notice of every direction, decision, order or ruling of the registrar refusing to grant a licence, or refusing to renew a licence, or suspending or cancelling a licence, shall be served upon the collection agency or collector whose licence is thereby affected at the address appearing upon the records of the registrar.

R.S.O. 1960,
c. 58, s. 25,
subss. 2-4,
re-enacted

9. Subsections 2, 3 and 4 of section 25 of *The Collection Agencies Act* are repealed and the following substituted therefor:

Notice of
hearing

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing.

Evidence

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review, and he is not bound by any law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to
summon
witnesses,
etc.

(4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.

- (4a) Upon a review, the Superintendent may by order ^{Power on review} direct the registrar to make such direction, decision, order or ruling or to do such other act as the registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the registrar shall make such direction, decision, order or ruling or do such act accordingly.
- 10.** Section 27 of *The Collection Agencies Act* is amended ^{R.S.O. 1960, c. 58, s. 27, amended} by striking out "Superintendent" in the second line, in the fourth line and in the eighth line and inserting in lieu thereof in each instance "registrar".
- 11.** Section 28 of *The Collection Agencies Act* is amended ^{R.S.O. 1960, c. 58, s. 28, amended} by striking out "Superintendent" in the second and third lines and inserting in lieu thereof "registrar".
- 12.** Section 30 of *The Collection Agencies Act* is amended ^{R.S.O. 1960, c. 58, s. 30, amended} by striking out "Superintendent" in the fourth line and inserting in lieu thereof "registrar".
- 13.** Section 31 of *The Collection Agencies Act* is repealed. ^{R.S.O. 1960, c. 58, s. 31, repealed}
- 14.** Clause *c* of section 32 of *The Collection Agencies Act* is ^{R.S.O. 1960, c. 58, s. 32, amended} amended by striking out "Superintendent" in the second line and inserting in lieu thereof "registrar".
- 15.** This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.
- 16.** This Act may be cited as *The Collection Agencies* ^{Short title} *Amendment Act, 1962-63.*

Page 10 of 10
10/10/10

An Act to amend
The Collection Agencies Act

1st Reading

March 27th, 1963

2nd Reading

March 29th, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 126

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Mortgage Brokers Registration Act

MR. CASS

EXPLANATORY NOTE

The purpose of this Bill is,

- (1) to transfer the routine administrative functions from the Superintendent of Insurance to the Registrar under the Act;
- (2) to provide that the Registrar shall not cancel, etc., a licence without affording the licensee an opportunity to be heard;
- (3) to provide the right to a hearing and review by the Superintendent of any order of the Registrar cancelling, etc., a licence.

In addition, certain of the amendments are designed to afford greater control over the operations of mortgage brokers—see clause *c* of subsection 1 of section 8 of the Act as re-enacted by subsection 1 of section 3 of the Bill and also section 9*a* of the Act as enacted by section 5 of the Bill.

Provision is also made to establish an advisory board—see section 7 of the Bill.

An Act to amend The Mortgage Brokers Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 244, s. 4,
subs. 1,
amended

(2) Subsection 2 of the said section 4 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 244, s. 4,
subs. 2,
amended

2. Subsection 1 of section 7 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the first line and the third line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 244, s. 7,
subs. 1,
amended

3.—(1) Subsection 1 of section 8 of *The Mortgage Brokers Registration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 244, s. 8,
subs. 1,
re-enacted

(1) Where upon a statement made under oath it appears probable to the Registrar that any person has, Investiga-
tions

- (a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or 1953-54,
c. 51 (Can.)
- (b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (c) induced or attempted to induce any person to pay or be responsible for the payment of ex-

cessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,
c. 244, s. 8,
subs. 2,
amended

(2) Subsection 2 of the said section 8 is amended by inserting after "investigation" in the first line "the registrar or".

R.S.O. 1960,
c. 244, s. 8,
subs. 4,
amended

(3) Subsection 4 of the said section 8 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".

R.S.O. 1960,
c. 244, s. 8,
subs. 6,
amended

(4) Subsection 6 of the said section 8 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 244, s. 9,
subs. 1,
amended

4.—(1) Subsection 1 of section 9 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the first line, the seventh line and the twentieth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 244, s. 9,
subs. 3,
amended

(2) Subsection 3 of the said section 9 is amended by striking out "Superintendent" in the second line and the ninth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 244,
amended

5. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section:

False
advertising,
etc.

9a. Where in the opinion of the Registrar any person registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material.

R.S.O. 1960,
c. 244, s. 10,
subs. 1,
re-enacted

6. Subsection 1 of section 10 of *The Mortgage Brokers Registration Act* is repealed and the following substituted therefor:

Suspension,
cancellation,
etc., of
registration

(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses a, b and c of subsection 1 of section 8, or if for any other reason the Registrar is of the opinion that his registration is not in the public interest, the Registrar, after giving him an opportunity to be heard, may suspend or cancel or refuse to renew his registration.

7. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 244,
amended

10a.—(1) In determining the granting or refusal of an application for registration or renewal of a registration or the suspension or cancellation of a registration, the Registrar may, and shall when so requested in writing by the applicant or person registered, appoint an advisory board consisting of three members of whom two shall be registered mortgage brokers and the third shall be chairman, which shall hold a hearing and make a report to the Registrar with such recommendations as it deems fit. Advisory
boards

(2) For the purpose of the hearing, the chairman of the advisory board has and may exercise all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of
chairman

R.S.O. 1960,
c. 323

8.—(1) Subsection 1 of section 11 of *The Mortgage Brokers Registration Act* is amended by striking out “Superintendent” in the second line and the third line and inserting in lieu thereof in each instance “Registrar”. R.S.O. 1960,
c. 244, s. 11,
subs. 1,
amended

(2) Subsection 4 of the said section 11 is amended by striking out “his former decision” in the second line and inserting in lieu thereof “the decision of the Registrar”. R.S.O. 1960,
c. 244, s. 11,
subs. 4,
amended

9. Subsection 6 of section 12 of *The Mortgage Brokers Registration Act* is amended by striking out “Superintendent” in the second and third lines and inserting in lieu thereof “Registrar”. R.S.O. 1960,
c. 244, s. 12,
subs. 6,
amended

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment

11. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1962-63*. Short title



An Act to amend
The Mortgage Brokers Registration Act

1st Reading

March 27th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 126

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Mortgage Brokers Registration Act

MR. CASS



BILL 126

1962-63

An Act to amend The Mortgage Brokers Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Mortgage Brokers Registration Act* is amended by striking out “Superintendent” in the first line and inserting in lieu thereof “Registrar”. R.S.O. 1960,
c. 244, s. 4,
subs. 1,
amended

(2) Subsection 2 of the said section 4 is amended by striking out “Superintendent” in the first line and inserting in lieu thereof “Registrar”. R.S.O. 1960,
c. 244, s. 4,
subs. 2,
amended

2. Subsection 1 of section 7 of *The Mortgage Brokers Registration Act* is amended by striking out “Superintendent” in the first line and in the third line and inserting in lieu thereof in each instance “Registrar”. R.S.O. 1960,
c. 244, s. 7,
subs. 1,
amended

3.—(1) Subsection 1 of section 8 of *The Mortgage Brokers Registration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 244, s. 8,
subs. 1,
re-enacted

(1) Where upon a statement made under oath it appears probable to the Registrar that any person has, Investiga-
tions

(a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or 1953-54,
c. 51 (Can.)

(b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or

(c) induced or attempted to induce any person to pay or be responsible for the payment of ex-

cessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,
c. 244, s. 8,
subs. 2,
amended

(2) Subsection 2 of the said section 8 is amended by inserting after "investigation" in the first line "the registrar or".

R.S.O. 1960,
c. 244, s. 8,
subs. 4,
amended

(3) Subsection 4 of the said section 8 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".

R.S.O. 1960,
c. 244, s. 8,
subs. 6,
amended

(4) Subsection 6 of the said section 8 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 244, s. 9,
subs. 1,
amended

4.—(1) Subsection 1 of section 9 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the first line, in the seventh line and in the twentieth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 244, s. 9,
subs. 3,
amended

(2) Subsection 3 of the said section 9 is amended by striking out "Superintendent" in the second line and in the ninth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 244,
amended

5. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section:

False
advertising,
etc.

9a. Where in the opinion of the Registrar any person registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material.

R.S.O. 1960,
c. 244, s. 10,
subs. 1,
re-enacted

6. Subsection 1 of section 10 of *The Mortgage Brokers Registration Act* is repealed and the following substituted therefor:

Suspension,
cancellation,
etc., of
registration

(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses a, b and c of subsection 1 of section 8, or if for any other reason the Registrar is of the opinion that his registration is not in the public interest, the Registrar, after giving him an opportunity to be heard, may suspend or cancel or refuse to renew his registration.

7. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 244,
amended

10a.—(1) In determining the granting or refusal of an application for registration or renewal of a registration or the suspension or cancellation of a registration, the Registrar may, and shall when so requested in writing by the applicant or person registered, appoint an advisory board consisting of three members of whom two shall be registered mortgage brokers and the third shall be chairman, which shall hold a hearing and make a report to the Registrar with such recommendations as it deems fit. Advisory
boards

(2) For the purpose of the hearing, the chairman of the advisory board has and may exercise all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of
chairman

R.S.O. 1960,
c. 323

8.—(1) Subsection 1 of section 11 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the second line and in the third line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 244, s. 11,
subs. 1,
amended

(2) Subsection 4 of the said section 11 is amended by striking out "his former decision" in the second line and inserting in lieu thereof "the decision of the Registrar". R.S.O. 1960,
c. 244, s. 11
subs. 4,
amended

9. Subsection 6 of section 12 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the second and third lines and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 244, s. 12
subs. 6,
amended

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment

11. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1962-63*. Short title

An Act to amend
The Mortgage Brokers Registration Act

1st Reading

March 27th, 1963

2nd Reading

March 29th, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 127

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Real Estate and Business Brokers Act

MR. CASS

EXPLANATORY NOTE

The purpose of this Bill is,

- (1) to transfer the routine administrative functions from the Superintendent of Insurance to the Registrar of Real Estate and Business Brokers;
- (2) to provide that the Registrar shall not cancel, etc., a registration without affording the registrant an opportunity to be heard;
- (3) to provide the right to a hearing and review by the Superintendent of Insurance of any order of the Registrar cancelling, etc., a registration;
- (4) to provide control over sales in Ontario of land outside Ontario;
- (5) to increase, in the case of a corporation, the maximum fine that may be imposed for offences under the Act.

BILL 127

1962-63

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 6,
amended

(2) The said section 6 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 344, s. 6,
amended

(2) The Registrar shall not refuse to grant or to renew registration without giving the applicant an opportunity to be heard. Refusal of
registration

2. Section 7 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar, after giving the registrant an opportunity to be heard", so that the section shall read as follows: R.S.O. 1960,
c. 344, s. 7,
amended

7. The Registrar, after giving the registrant an opportunity to be heard, shall suspend or cancel a registration where in his opinion such action is in the public interest. Suspension,
cancellation

3. Subsection 1 of section 8 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and in the eighth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 344, s. 8,
subs. 1,
amended

4. Section 9 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 10,
amended

5. Subsection 1 of section 10 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 10,
subs. 1,
amended

R.S.O. 1960,
c. 344, s. 12,
amended

6. Section 12 of *The Real Estate and Business Brokers Act* is amended by striking out "and shall when so directed by the Superintendent" in the first and second lines.

R.S.O. 1960,
c. 344, s. 13,
amended

7. Section 13 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 17,
subs. 2,
amended

8. Subsection 2 of section 17 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 21,
amended

9. Section 21 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 23,
amended

10. Section 23 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
heading,
amended

11. The heading preceding section 24 of *The Real Estate and Business Brokers Act* is amended by striking out "SUPERINTENDENT" and inserting in lieu thereof "REGISTRAR".

R.S.O. 1960,
c. 344, s. 24,
subs. 1,
re-enacted

12.—(1) Subsection 1 of section 24 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Order to
investigate

(1) Where upon a statement made under oath it appears probable to the Registrar that a person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in real estate,

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,
c. 344, s. 24,
subs. 2,
amended

(2) Subsection 2 of the said section 24 is amended by inserting after "investigation" in the first line "the Registrar or".

R.S.O. 1960,
c. 344, s. 24,
subs. 4,
amended

(3) Subsection 4 of the said section 24 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".

(4) Subsection 5 of the said section 24 is amended by striking out "Where any such investigation is ordered" in the first line. R.S.O. 1960, c. 344, s. 24, subs. 5, amended

(5) Subsection 6 of the said section 24 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 26, subs. 6, amended

13. Section 25 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 25, amended

14. Section 26 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent or" in the second and third lines. R.S.O. 1960, c. 344, s. 26, amended

15. Section 27 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 27, amended

16. Section 28 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 28, amended

17.—(1) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line, in the eighth line and in the twenty-second line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 29, subs. 1, amended

(2) Subsection 3 of the said section 29 is amended by striking out "Superintendent" in the second line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 29, subs. 3, amended

18. Section 30 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 30, amended

19.—(1) Subsection 2 of section 31 of *The Real Estate and Business Brokers Act* is amended by striking out "Registrar" in the second line and inserting in lieu thereof "Superintendent". R.S.O. 1960, c. 344, s. 31, subs. 2, amended

(2) Subsections 3 and 4 of the said section 31 are repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 31, subs. 3, 4, re-enacted

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review and he is not bound by any Evidence

law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to
summon
witnesses,
etc.

- (4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.

Power on
review

- (4a) Upon a review, the Superintendent may by order direct the Registrar to make such direction, decision, order or ruling or to do such other act as the Registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the Registrar shall make such direction, decision, order or ruling or do such act accordingly.

R.S.O. 1960,
c. 344, s. 33,
amended

20. Section 33 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 34,
amended

21. Section 34 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 38,
amended

22. Section 38 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines, in the second line and in the fourth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 48,
amended

23. Section 48 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
amended

24. *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

TRADING IN SUBDIVISION LOTS

- 54a. In sections 54b to 54h, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease. ^{Interpretation}
- 54b.—(1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision located outside Ontario, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof. ^{Sale of subdivision land outside Ontario, prospectus required}
- (2) No person shall make any representation, written or oral, that the Superintendent or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus. ^{Certain representations prohibited}
- 54c.—(1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision located outside Ontario unless, ^{Prospectus to be delivered to purchaser}
- (a) a copy of the prospectus referred to in section 54b has been delivered to the prospective purchaser or tenant, as the case may be; and
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus and that he has been afforded the opportunity to read it.
- (2) Every acknowledgement referred to in subsection 1 shall be retained by the vendor or broker and be available for inspection by the Registrar for a period of not less than three years. ^{Acknowledgement to be retained for inspection}
- (3) A purchaser or tenant who has entered into a contract where subsection 1 applies is entitled to rescission of the contract if, ^{When purchaser entitled to rescission}
- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the vendor or broker within ninety days of the signing of the contract.

Onus of
proof

- (4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the vendor.

Other
rights
preserved

- (5) The right of rescission provided in this section is in addition to any other rights that the purchaser or tenant may have in respect of the contract.

Material
in support
of prospectus

- 54*d*. Each prospectus submitted to the Registrar for filing shall be accompanied by,

- (a) an affidavit of the owner of the subdivision or, where the owner is a corporation, any three directors thereof, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the owner as the Registrar may require; and
- (f) the prescribed fees.

Conditions
precedent
to grant of
certificate

- 54*e*. The Registrar shall not grant a certificate of acceptance where it appears that,

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds of purchasers or for assurance of title or other interest contracted for;
- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 54*d* have not been complied with in any substantial respect.

54f.—(1) The Registrar may, before issuing a certificate of acceptance, make such inquiries as he deems necessary, including, ^{Inquiries, etc.}

(a) an examination of the subdivision and any of the surrounding circumstances;

(b) the obtaining of reports from public authorities or others in the jurisdiction in which the subdivision is located.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. ^{Costs}

54g. The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and in his opinion such action is in the public interest, but he shall not refuse to grant such a certificate without giving the person on whose behalf the prospectus was filed an opportunity to be heard. ^{Powers of Registrar}

54h. Where the Registrar has refused to grant or has revoked a certificate of acceptance, sections 30 to 34 apply *mutatis mutandis*. ^{Review by Superintendent, and appeal}

54i.—(1) If a change occurs with regard to any of the matters set out in any prospectus, ^{Change in circumstances}

(a) that would have the effect of rendering a statement in the prospectus false or misleading; or

(b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Where trading in real estate mentioned in section 54b is still in progress twelve months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Registrar within twenty days from the expiration of such twelve-month period. ^{New prospectus every 12 months}

Application
of ss. 54a-
54h.

- (3) Sections 54a to 54h apply *mutatis mutandis* where a prospectus is amended or a new prospectus is filed under subsection 1 or 2.

Stop orders

- 54j. Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 54e exist or where in his opinion such action is necessary in the public interest, he may, after giving the person on whose behalf the prospectus was filed an opportunity to be heard, revoke the certificate of acceptance and order that all trading in the subdivision to which the prospectus refers shall cease forthwith.

R.S.O. 1960,
c. 344, s. 55,
amended

25. Section 55 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Maximum
fine, cor-
porations

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$25,000 and not as provided therein.

R.S.O. 1960,
c. 344, s. 58,
amended

- 26.—(1) Section 58 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following clauses:

(da) prescribing the fees payable upon the filing of a prospectus;

.

(fa) prescribing the information required to be contained in a prospectus.

R.S.O. 1960,
c. 344, s. 58,
cl. g,
re-enacted

- (2) Clause g of the said section 58 is repealed and the following substituted therefor:

(g) prescribing the requirements, qualifications, etc., for the granting or renewal of registration.

R.S.O. 1960,
c. 344, s. 59,
amended

27. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent or" in the third line.

Commence-
ment

28. This Act comes into force on the day it receives Royal Assent.

Short title

29. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1962-63*.

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An Act to amend
The Real Estate and Business Brokers Act

1st Reading

March 27th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 127

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Real Estate and Business Brokers Act

MR. CASS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

The purpose of this Bill is,

- (1) to transfer the routine administrative functions from the Superintendent of Insurance to the Registrar of Real Estate and Business Brokers;
- (2) to provide that the Registrar shall not cancel, etc., a registration without affording the registrant an opportunity to be heard;
- (3) to provide the right to a hearing and review by the Superintendent of Insurance of any order of the Registrar cancelling, etc., a registration;
- (4) to provide control over sales in Ontario of land outside Ontario;
- (5) to increase, in the case of a corporation, the maximum fine that may be imposed for offences under the Act.

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Real Estate and Business Brokers Act* is amended by striking out “Superintendent” in the first line and inserting in lieu thereof “Registrar”. R.S.O. 1960,
c. 344, s. 6,
amended

(2) The said section 6 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 344, s. 6,
amended

(2) The Registrar shall not refuse to grant or to renew registration without giving the applicant an opportunity to be heard. Refusal of
registration

2. Section 7 of *The Real Estate and Business Brokers Act* is amended by striking out “Superintendent” in the first line and inserting in lieu thereof “Registrar, after giving the registrant an opportunity to be heard”, so that the section shall read as follows: R.S.O. 1960,
c. 344, s. 7,
amended

7. The Registrar, after giving the registrant an opportunity to be heard, shall suspend or cancel a registration where in his opinion such action is in the public interest. Suspension,
cancellation

3. Subsection 1 of section 8 of *The Real Estate and Business Brokers Act* is amended by striking out “Superintendent” in the third line and in the eighth line and inserting in lieu thereof in each instance “Registrar”. R.S.O. 1960,
c. 344, s. 8,
subs. 1,
amended

4. Section 9 of *The Real Estate and Business Brokers Act* is amended by striking out “Superintendent” in the first line and inserting in lieu thereof “Registrar”. R.S.O. 1960,
c. 344, s. 9,
amended

5. Subsection 1 of section 10 of *The Real Estate and Business Brokers Act* is amended by striking out “Superintendent” in the second line and inserting in lieu thereof “Registrar”. R.S.O. 1960,
c. 344, s. 10,
subs. 1,
amended

R.S.O. 1960,
c. 344, s. 12,
amended

6. Section 12 of *The Real Estate and Business Brokers Act* is amended by striking out "and shall when so directed by the Superintendent" in the first and second lines.

R.S.O. 1960,
c. 344, s. 13,
amended

7. Section 13 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 17,
subs. 2,
amended

8. Subsection 2 of section 17 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 21,
amended

9. Section 21 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 23,
amended

10. Section 23 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
heading,
amended

11. The heading preceding section 24 of *The Real Estate and Business Brokers Act* is amended by striking out "SUPERINTENDENT" and inserting in lieu thereof "REGISTRAR".

R.S.O. 1960,
c. 344, s. 24,
subs. 1,
re-enacted

12.—(1) Subsection 1 of section 24 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Order to
investigate

(1) Where upon a statement made under oath it appears probable to the Registrar that a person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in real estate.

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,
c. 344, s. 24,
subs. 2,
amended

(2) Subsection 2 of the said section 24 is amended by inserting after "investigation" in the first line "the Registrar or".

R.S.O. 1960,
c. 344, s. 24,
subs. 4,
amended

(3) Subsection 4 of the said section 24 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".

(4) Subsection 5 of the said section 24 is amended by striking out "Where any such investigation is ordered" in the first line. R.S.O. 1960, c. 344, s. 24, subs. 5, amended

(5) Subsection 6 of the said section 24 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 24, subs. 6, amended

13. Section 25 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 25, amended

14. Section 26 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent or" in the second and third lines. R.S.O. 1960, c. 344, s. 26, amended

15. Section 27 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent" in the first line. R.S.O. 1960, c. 344, s. 27, amended

16. Section 28 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 28, amended

17.—(1) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line, in the eighth line and in the twenty-second line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 29, subs. 1, amended

(2) Subsection 3 of the said section 29 is amended by striking out "Superintendent" in the second line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 29, subs. 3, amended

18. Section 30 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 30, amended

19.—(1) Subsection 2 of section 31 of *The Real Estate and Business Brokers Act* is amended by striking out "Registrar" in the second line and inserting in lieu thereof "Superintendent". R.S.O. 1960, c. 344, s. 31, subs. 2, amended

(2) Subsections 3 and 4 of the said section 31 are repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 31, subs. 3, 4, re-enacted

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review and he is not bound by any Evidence

law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to
summon
witnesses,
etc.

- (4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.

Power on
review

- (4a) Upon a review, the Superintendent may by order direct the Registrar to make such direction, decision, order or ruling or to do such other act as the Registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the Registrar shall make such direction, decision, order or ruling or do such act accordingly.

R.S.O. 1960,
c. 344, s. 33,
amended

20. Section 33 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 34,
amended

21. Section 34 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 38,
amended

22. Section 38 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines, in the second line and in the fourth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 48,
amended

23. Section 48 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
amended

24. *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

TRADING IN SUBDIVISION LOTS

- 54a. In sections 54b to 54h, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease. Interpretation
- 54b.—(1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision located outside Ontario, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof. Sale of subdivision land outside Ontario, prospectus required
- (2) No person shall make any representation, written or oral, that the Superintendent or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus. Certain representations prohibited
- 54c.—(1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision located outside Ontario unless, Prospectus to be delivered to purchaser
- (a) a copy of the prospectus referred to in section 54b has been delivered to the prospective purchaser or tenant, as the case may be; and
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus and that he has been afforded the opportunity to read it.
- (2) Every acknowledgement referred to in subsection 1 shall be retained by the vendor or broker and be available for inspection by the Registrar for a period of not less than three years. Acknowledgement to be retained for inspection
- (3) A purchaser or tenant who has entered into a contract where subsection 1 applies is entitled to rescission of the contract if, When purchaser entitled to rescission
- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the vendor or broker within ninety days of the signing of the contract.

Onus of
proof

- (4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the vendor.

Other
rights
preserved

- (5) The right of rescission provided in this section is in addition to any other rights that the purchaser or tenant may have in respect of the contract.

Material
in support
of prospectus

- 54*d*. Each prospectus submitted to the Registrar for filing shall be accompanied by,

- (a) an affidavit of the owner of the subdivision or, where the owner is a corporation, any three directors thereof, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the owner as the Registrar may require; and
- (f) the prescribed fees.

Conditions
precedent
to grant of
certificate

- 54*e*. The Registrar shall not grant a certificate of acceptance where it appears that,

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds of purchasers or for assurance of title or other interest contracted for;
- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 54*d* have not been complied with in any substantial respect.

54f.—(1) The Registrar may, before issuing a certificate of acceptance, make such inquiries as he deems necessary, including, ^{Inquiries, etc.}

(a) an examination of the subdivision and any of the surrounding circumstances;

(b) the obtaining of reports from public authorities or others in the jurisdiction in which the subdivision is located.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. ^{Costs}

54g. The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and in his opinion such action is in the public interest, but he shall not refuse to grant such a certificate without giving the person on whose behalf the prospectus was filed an opportunity to be heard. ^{Powers of Registrar}

54h. Where the Registrar has refused to grant or has revoked a certificate of acceptance, sections 30 to 34 apply *mutatis mutandis*. ^{Review by Superintendent, and appeal}

54i.—(1) If a change occurs with regard to any of the matters set out in any prospectus, ^{Change in circumstances}

(a) that would have the effect of rendering a statement in the prospectus false or misleading; or

(b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Where trading in real estate mentioned in section 54b is still in progress twelve months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Registrar within twenty days from the expiration of such twelve-month period. ^{New prospectus every 12 months}

Application
of ss. 54a-
54h

- (3) Sections 54a to 54h apply *mutatis mutandis* where a prospectus is amended or a new prospectus is filed under subsection 1 or 2.

Stop orders

- 54j. Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 54e exist or where in his opinion such action is necessary in the public interest, he may, after giving the person on whose behalf the prospectus was filed an opportunity to be heard, revoke the certificate of acceptance and order that all trading in the subdivision to which the prospectus refers shall cease forthwith.

R.S.O. 1960,
c. 344, s. 55,
amended

25. Section 55 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Maximum
fine, cor-
porations

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$25,000 and not as provided therein.

R.S.O. 1960,
c. 344, s. 58,
amended

- 26.—(1) Section 58 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following clauses:

(da) prescribing the fees payable upon the filing of a prospectus;

.

(fa) prescribing the information required to be contained in a prospectus.

R.S.O. 1960,
c. 344, s. 58,
cl. g,
re-enacted

- (2) Clause g of the said section 58 is repealed and the following substituted therefor:

(g) prescribing the requirements, qualifications, etc., for the granting or renewal of registration.

R.S.O. 1960,
c. 344, s. 59,
amended

27. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent or" in the third line.

Commence-
ment

28. This Act comes into force on the day it receives Royal Assent.

Short title

29. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1962-63*.

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of the Adjutant General's Office

An Act to amend
The Real Estate and Business Brokers Act

1st Reading

March 27th, 1963

2nd Reading

March 29th, 1963

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 127

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Real Estate and Business Brokers Act

MR. CASS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of this Bill is,

- (1) to transfer the routine administrative functions from the Superintendent of Insurance to the Registrar of Real Estate and Business Brokers;
- (2) to provide that the Registrar shall not cancel, etc., a registration without affording the registrant an opportunity to be heard;
- (3) to provide the right to a hearing and review by the Superintendent of Insurance of any order of the Registrar cancelling, etc., a registration;
- (4) to provide control over sales in Ontario of land outside Ontario;
- (5) to increase, in the case of a corporation, the maximum fine that may be imposed for offences under the Act.

BILL 127

1962-63

**An Act to amend
The Real Estate and Business Brokers Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 6,
amended

(2) The said section 6 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 344, s. 6,
amended

(2) The Registrar shall not refuse to grant or to renew registration without giving the applicant an opportunity to be heard. Refusal of
registration

2. Section 7 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar, after giving the registrant an opportunity to be heard", so that the section shall read as follows: R.S.O. 1960,
c. 344, s. 7,
amended

7. The Registrar, after giving the registrant an opportunity to be heard, shall suspend or cancel a registration where in his opinion such action is in the public interest. Suspension,
cancellation

3. Subsection 1 of section 8 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and in the eighth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 344, s. 8,
subs. 1,
amended

4. Section 9 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 9,
amended

5. Subsection 1 of section 10 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 10,
subs. 1,
amended

R.S.O. 1960,
c. 344, s. 12,
amended **6.** Section 12 of *The Real Estate and Business Brokers Act* is amended by striking out "and shall when so directed by the Superintendent" in the first and second lines.

R.S.O. 1960,
c. 344, s. 13,
amended **7.** Section 13 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 17,
subs. 2,
amended **8.** Subsection 2 of section 17 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 21,
amended **9.** Section 21 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 23,
amended **10.** Section 23 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
heading,
amended **11.** The heading preceding section 24 of *The Real Estate and Business Brokers Act* is amended by striking out "SUPERINTENDENT" and inserting in lieu thereof "REGISTRAR".

R.S.O. 1960,
c. 344, s. 24,
subs. 1,
re-enacted **12.**—(1) Subsection 1 of section 24 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Order to
investigate

(1) Where upon a statement made under oath it appears probable to the Registrar that a person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in real estate,

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,
c. 344, s. 24,
subs. 2,
amended (2) Subsection 2 of the said section 24 is amended by inserting after "investigation" in the first line "the Registrar or".

R.S.O. 1960,
c. 344, s. 24,
subs. 4,
amended (3) Subsection 4 of the said section 24 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".

(4) Subsection 5 of the said section 24 is amended by striking out "Where any such investigation is ordered" in the first line. R.S.O. 1960,
c. 344, s. 24,
subs. 5,
amended

(5) Subsection 6 of the said section 24 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 24,
subs. 6,
amended

13. Section 25 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 344, s. 25,
amended

14. Section 26 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent or" in the second and third lines. R.S.O. 1960,
c. 344, s. 26,
amended

15. Section 27 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent" in the first line. R.S.O. 1960,
c. 344, s. 27,
amended

16. Section 28 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 28,
amended

17.—(1) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line, in the eighth line and in the twenty-second line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 344, s. 29,
subs. 1,
amended

(2) Subsection 3 of the said section 29 is amended by striking out "Superintendent" in the second line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 344, s. 29,
subs. 3,
amended

18. Section 30 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 30,
amended

19.—(1) Subsection 2 of section 31 of *The Real Estate and Business Brokers Act* is amended by striking out "Registrar" in the second line and inserting in lieu thereof "Superintendent". R.S.O. 1960,
c. 344, s. 31,
subs. 2,
amended

(2) Subsections 3 and 4 of the said section 31 are repealed and the following substituted therefor: R.S.O. 1960,
c. 344, s. 31,
subs. 3, 4,
re-enacted

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review and he is not bound by any Evidence

law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to
summon
witnesses,
etc.

- (4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.

Power on
review

- (4a) Upon a review, the Superintendent may by order direct the Registrar to make such direction, decision, order or ruling or to do such other act as the Registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the Registrar shall make such direction, decision, order or ruling or do such act accordingly.

R.S.O. 1960,
c. 344, s. 33,
amended

- 20.** Section 33 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 34,
amended

- 21.** Section 34 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 38,
amended

- 22.** Section 38 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines, in the second line and in the fourth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 48,
amended

- 23.** Section 48 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
amended

- 24.** *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

TRADING IN SUBDIVISION LOTS

- 54a. In sections 54b to 54h, "subdivision" means improved ^{Interpre-} or unimproved land divided or proposed to be ^{tation} divided into five or more lots or other units for the purpose of sale or lease.
- 54b.—(1) No person shall, in any capacity, trade in real ^{Sale of sub-} estate, where the real estate is a lot or unit of land ^{division land} in a subdivision located outside Ontario, until there ^{outside} has been filed with the Registrar a prospectus ^{Ontario,} containing the prescribed information and until there ^{prospectus} has been obtained from the Registrar a certificate of ^{required} acceptance thereof.
- (2) No person shall make any representation, written or ^{Certain} oral, that the Superintendent or the Registrar has ^{representa-} passed upon the financial standing, fitness or conduct ^{tions pro-} of any person in connection with any such prospectus ^{hibited} or upon the merits of any such prospectus.
- 54c.—(1) No person shall, either as a vendor or as a ^{Prospectus} broker or salesman, enter into or negotiate any ^{to be} contract for the sale or lease of a lot or a unit of land ^{delivered to} in a subdivision located outside Ontario unless, ^{purchaser}
- (a) a copy of the prospectus referred to in section 54b has been delivered to the prospective purchaser or tenant, as the case may be; and
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus and that he has been afforded the opportunity to read it.
- (2) Every acknowledgement referred to in subsection 1 ^{Acknowl-} shall be retained by the vendor or broker and be ^{edgement to} available for inspection by the Registrar for a period ^{be retained} of not less than three years. ^{for} ^{inspection}
- (3) A purchaser or tenant who has entered into a ^{When pur-} contract where subsection 1 applies is entitled to ^{chaser} rescission of the contract if, ^{entitled to} ^{rescission}
- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the vendor or broker within ninety days of the signing of the contract.

Onus of proof

- (4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the vendor.

Other rights preserved

- (5) The right of rescission provided in this section is in addition to any other rights that the purchaser or tenant may have in respect of the contract.

Material in support of prospectus

- 54*d*. Each prospectus submitted to the Registrar for filing shall be accompanied by,

- (a) an affidavit of the owner of the subdivision or, where the owner is a corporation, any three directors thereof, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the owner as the Registrar may require; and
- (f) the prescribed fees.

Conditions precedent to grant of certificate

- 54*e*. The Registrar shall not grant a certificate of acceptance where it appears that,

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds of purchasers or for assurance of title or other interest contracted for;
- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 54*d* have not been complied with in any substantial respect.

54f.—(1) The Registrar may, before issuing a certificate of acceptance, make such inquiries as he deems necessary, including, ^{Inquiries, etc.}

- (a) an examination of the subdivision and any of the surrounding circumstances;
- (b) the obtaining of reports from public authorities or others in the jurisdiction in which the subdivision is located.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. ^{Costs}

54g. The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and in his opinion such action is in the public interest, but he shall not refuse to grant such a certificate without giving the person on whose behalf the prospectus was filed an opportunity to be heard. ^{Powers of Registrar}

54h. Where the Registrar has refused to grant or has revoked a certificate of acceptance, sections 30 to 34 apply *mutatis mutandis*. ^{Review by Superintendent, and appeal}

54i.—(1) If a change occurs with regard to any of the matters set out in any prospectus, ^{Change in circumstances}

- (a) that would have the effect of rendering a statement in the prospectus false or misleading; or
- (b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Where trading in real estate mentioned in section 54b is still in progress twelve months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Registrar within twenty days from the expiration of such twelve-month period. ^{New prospectus every 12 months}

Application
of ss. 54a-
54h

- (3) Sections 54a to 54h apply *mutatis mutandis* where a prospectus is amended or a new prospectus is filed under subsection 1 or 2.

Stop orders

- 54j. Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 54e exist or where in his opinion such action is necessary in the public interest, he may, after giving the person on whose behalf the prospectus was filed an opportunity to be heard, revoke the certificate of acceptance and order that all trading in the subdivision to which the prospectus refers shall cease forthwith.

R.S.O. 1960,
c. 344, s. 58,
amended

- 25.** Section 55 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Maximum
fine, cor-
porations

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$25,000 and not as provided therein.

R.S.O. 1960,
c. 344, s. 58,
amended

- 26.**—(1) Section 58 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following clauses:

(da) prescribing the fees payable upon the filing of a prospectus;

.

(fa) prescribing the information required to be contained in a prospectus.

R.S.O. 1960,
c. 344, s. 58,
cl. g,
re-enacted

- (2) Clause g of the said section 58 is repealed and the following substituted therefor:

(g) prescribing the requirements, qualifications, etc., for the granting or renewal of registration.

R.S.O. 1960,
c. 344, s. 59,
amended

- 27.** Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent or" in the third line.

Commence-
ment

- 28.**—(1) This Act, except section 24, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 24 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 29.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1962-63*.



An Act to amend
The Real Estate and Business Brokers Act

1st Reading

March 27th, 1963

2nd Reading

March 29th, 1963

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee of the Whole House)

BILL 127

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Real Estate and Business Brokers Act

MR. CASS

BILL 127

1962-63

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 6,
amended

(2) The said section 6 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 344, s. 6,
amended

(2) The Registrar shall not refuse to grant or to renew registration without giving the applicant an opportunity to be heard. Refusal of
registration

2. Section 7 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar, after giving the registrant an opportunity to be heard", so that the section shall read as follows: R.S.O. 1960,
c. 344, s. 7,
amended

7. The Registrar, after giving the registrant an opportunity to be heard, shall suspend or cancel a registration where in his opinion such action is in the public interest. Suspension,
cancellation

3. Subsection 1 of section 8 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and in the eighth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,
c. 344, s. 8,
subs. 1,
amended

4. Section 9 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 9,
amended

5. Subsection 1 of section 10 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960,
c. 344, s. 10,
subs. 1,
amended

R.S.O. 1960,
c. 344, s. 12,
amended **6.** Section 12 of *The Real Estate and Business Brokers Act* is amended by striking out "and shall when so directed by the Superintendent" in the first and second lines.

R.S.O. 1960,
c. 344, s. 13,
amended **7.** Section 13 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 17,
subs. 2,
amended **8.** Subsection 2 of section 17 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 21,
amended **9.** Section 21 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 23,
amended **10.** Section 23 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
heading,
amended **11.** The heading preceding section 24 of *The Real Estate and Business Brokers Act* is amended by striking out "SUPERINTENDENT" and inserting in lieu thereof "REGISTRAR".

R.S.O. 1960,
c. 344, s. 24,
subs. 1,
re-enacted **12.—(1)** Subsection 1 of section 24 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Order to investigate (1) Where upon a statement made under oath it appears probable to the Registrar that a person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,
c. 51 (Can.) (b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in real estate,

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,
c. 344, s. 24,
subs. 2,
amended (2) Subsection 2 of the said section 24 is amended by inserting after "investigation" in the first line "the Registrar or".

R.S.O. 1960,
c. 344, s. 24,
subs. 4,
amended (3) Subsection 4 of the said section 24 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".

(4) Subsection 5 of the said section 24 is amended by striking out "Where any such investigation is ordered" in the first line. R.S.O. 1960, c. 344, s. 24, subs. 5, amended

(5) Subsection 6 of the said section 24 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 24, subs. 6, amended

13. Section 25 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 25, amended

14. Section 26 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent or" in the second and third lines. R.S.O. 1960, c. 344, s. 26, amended

15. Section 27 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent" in the first line. R.S.O. 1960, c. 344, s. 27, amended

16. Section 28 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 28, amended

17.—(1) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line, in the eighth line and in the twenty-second line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 29, subs. 1, amended

(2) Subsection 3 of the said section 29 is amended by striking out "Superintendent" in the second line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 29, subs. 3, amended

18. Section 30 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 30, amended

19.—(1) Subsection 2 of section 31 of *The Real Estate and Business Brokers Act* is amended by striking out "Registrar" in the second line and inserting in lieu thereof "Superintendent". R.S.O. 1960, c. 344, s. 31, subs. 2, amended

(2) Subsections 3 and 4 of the said section 31 are repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 31, subs. 3, 4, re-enacted

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review and he is not bound by any Evidence

law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to
summon
witnesses,
etc.

- (4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.

Power on
review

- (4a) Upon a review, the Superintendent may by order direct the Registrar to make such direction, decision, order or ruling or to do such other act as the Registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the Registrar shall make such direction, decision, order or ruling or do such act accordingly.

R.S.O. 1960,
c. 344, s. 33,
amended

20. Section 33 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 34,
amended

21. Section 34 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344, s. 38,
amended

22. Section 38 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines, in the second line and in the fourth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,
c. 344, s. 43,
amended

23. Section 48 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,
c. 344,
amended

24. *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

TRADING IN SUBDIVISION LOTS

- 54a. In sections 54b to 54h, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease. Interpretation
- 54b.—(1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision located outside Ontario, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof. Sale of subdivision land outside Ontario, prospectus required
- (2) No person shall make any representation, written or oral, that the Superintendent or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus. Certain representations prohibited
- 54c.—(1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision located outside Ontario unless, Prospectus to be delivered to purchaser
- (a) a copy of the prospectus referred to in section 54b has been delivered to the prospective purchaser or tenant, as the case may be; and
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus and that he has been afforded the opportunity to read it.
- (2) Every acknowledgement referred to in subsection 1 shall be retained by the vendor or broker and be available for inspection by the Registrar for a period of not less than three years. Acknowledgement to be retained for inspection
- (3) A purchaser or tenant who has entered into a contract where subsection 1 applies is entitled to rescission of the contract if, When purchaser entitled to rescission
- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the vendor or broker within ninety days of the signing of the contract.

Onus of
proof

- (4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the vendor.

Other
rights
preserved

- (5) The right of rescission provided in this section is in addition to any other rights that the purchaser or tenant may have in respect of the contract.

Material
in support
of prospectus

- 54*d*. Each prospectus submitted to the Registrar for filing shall be accompanied by,

- (*a*) an affidavit of the owner of the subdivision or, where the owner is a corporation, any three directors thereof, as to the correctness of every matter of fact stated in the prospectus;
- (*b*) a copy of every plan referred to in the prospectus;
- (*c*) a copy of every form of contract referred to in the prospectus;
- (*d*) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (*e*) such financial particulars of the owner as the Registrar may require; and
- (*f*) the prescribed fees.

Conditions
precedent
to grant of
certificate

- 54*e*. The Registrar shall not grant a certificate of acceptance where it appears that,

- (*a*) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (*b*) adequate provision has not been made for the protection of deposits or other funds of purchasers or for assurance of title or other interest contracted for;
- (*c*) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (*d*) the requirements of section 54*d* have not been complied with in any substantial respect.

54f.—(1) The Registrar may, before issuing a certificate of acceptance, make such inquiries as he deems necessary, including, ^{Inquiries, etc.}

- (a) an examination of the subdivision and any of the surrounding circumstances;
- (b) the obtaining of reports from public authorities or others in the jurisdiction in which the subdivision is located.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. ^{Costs}

54g. The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and in his opinion such action is in the public interest, but he shall not refuse to grant such a certificate without giving the person on whose behalf the prospectus was filed an opportunity to be heard. ^{Powers of Registrar}

54h. Where the Registrar has refused to grant or has revoked a certificate of acceptance, sections 30 to 34 apply *mutatis mutandis*. ^{Review by Superintendent, and appeal}

54i.—(1) If a change occurs with regard to any of the matters set out in any prospectus, ^{Change in circumstances}

- (a) that would have the effect of rendering a statement in the prospectus false or misleading; or
- (b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Where trading in real estate mentioned in section 54b is still in progress twelve months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Registrar within twenty days from the expiration of such twelve-month period. ^{New prospectus every 12 months}

**Application
of ss. 54a-
54h**

- (3) Sections 54a to 54h apply *mutatis mutandis* where a prospectus is amended or a new prospectus is filed under subsection 1 or 2.

Stop orders

- 54j. Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 54e exist or where in his opinion such action is necessary in the public interest, he may, after giving the person on whose behalf the prospectus was filed an opportunity to be heard, revoke the certificate of acceptance and order that all trading in the subdivision to which the prospectus refers shall cease forthwith.

**R.S.O. 1960,
c. 344, s. 55,
amended**

25. Section 55 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

**Maximum
fine, cor-
porations**

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$25,000 and not as provided therein.

**R.S.O. 1960,
c. 344, s. 58,
amended**

- 26.—(1) Section 58 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following clauses:

(da) prescribing the fees payable upon the filing of a prospectus;

.

(fa) prescribing the information required to be contained in a prospectus.

**R.S.O. 1960,
c. 344, s. 58,
cl. g,
re-enacted**

- (2) Clause g of the said section 58 is repealed and the following substituted therefor:

(g) prescribing the requirements, qualifications, etc., for the granting or renewal of registration.

**R.S.O. 1960,
c. 344, s. 59,
amended**

27. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent or" in the third line.

**Commence-
ment**

- 28.—(1) This Act, except section 24, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 24 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

29. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1962-63*.

An Act to amend
The Real Estate and Business Brokers Act

1st Reading

March 27th, 1963

2nd Reading

March 29th, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 128

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

The Proceedings Against the Crown Act, 1962-63

MR. CASS

EXPLANATORY NOTE

At the present time, no action in tort can be brought against the Crown and no other type of action can be brought except with consent and by way of a petition of right.

This Bill, subject to the exceptions mentioned, removes all the immunities and privileges heretofore enjoyed by the Crown and enables any person to sue the Crown and its servants and agents in the courts as of right in the same manner as he may sue a person.

The new Act is designed to replace *The Proceedings Against the Crown Act* which was passed in 1952 but not brought into force.

The new Act will apply to matters arising after it comes into force.

Claims and proceedings existing before the Act comes into force may be proceeded with by petition of right as though the Act had not been passed.

BILL 128

1962-63

The Proceedings Against the Crown Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "agent", when used in relation to the Crown, includes an independent contractor employed by the Crown;
- (b) "Crown" means Her Majesty the Queen in right of Ontario;
- (c) "order" includes a judgment, decree, rule, award and declaration;
- (d) "proceedings against the Crown" includes a claim by way of set-off or counterclaim raised in proceedings by the Crown and includes interpleader proceedings to which the Crown is a party;
- (e) "servant", when used in relation to the Crown, includes a minister of the Crown. 1952, c. 78, s. 1.

2.—(1) This Act does not affect and is subject to *The Acts not affected*
Certification of Titles Act as to claims against The Certification R.S.O. 1960,
 of Titles Assurance Fund, *The Corporations Tax Act*, *The* cc. 48, 73;
Expropriation Procedures Act, 1962-63, c. . . ;
Improvement Act, *The Income Tax Act*, 1961-62, *The Land Titles* R.S.O. 1960,
Act as to claims against The Land Titles Assurance Fund, c. 171;
The Logging Tax Act, *The Motor Vehicle Accident Claims Act*, 1961-62,
 1961-62, c. 60;
The Succession Duty Act and *The Workmen's Com-* R.S.O. 1960,
 1961-62, cc. 204, 224;
 1961-62, c. 84;
 R.S.O. 1960, cc. 386, 437
pensation Act. 1952, c. 78, s. 2 (1), amended.

(2) Nothing in this Act,Limits of
scope of
Act

- (a) subjects the Crown to greater liability in respect of the acts or omissions of a servant or agent of the Crown than that to which the Crown would be

subject in respect of such acts or omissions if it were a person of full age and capacity; or

- (b) subjects the Crown to proceedings under this Act in respect of a cause of action that is enforceable against a corporation or other agency of the Crown; or
- (c) subjects the Crown to proceedings under this Act in respect of any act or omission of a servant of the Crown unless that servant has been appointed by, or is employed by the Crown; or
- (d) subjects the Crown to proceedings under this Act in respect of anything done in the due enforcement of the criminal law or of the penal provisions of any Act of the Legislature; or
- (e) authorizes proceedings against the Crown under *The Division Courts Act* or *The Master and Servant Act*, 1952, c. 78, s. 2 (2).

R.S.O. 1960,
cc. 110, 230

Right to
sue Crown
without
fiat

3. Except as provided in section 28, a claim against the Crown that, if this Act had not been passed, might be enforced by petition of right, subject to the grant of a fiat by the Lieutenant Governor, may be enforced as of right by proceedings against the Crown in accordance with this Act without the grant of a fiat by the Lieutenant Governor. 1952, c. 78, s. 3.

Right to
sue Crown
corporation
without
consent

4. A claim against a corporation of the Crown that, if this Act had not been passed, might be enforced, subject to the consent of a servant of the Crown, may be enforced as of right without such consent. 1952, c. 78, s. 4.

Liability
in tort
R.S.O. 1960,
c. 191

5.—(1) Except as otherwise provided in this Act and notwithstanding section 11 of *The Interpretation Act*, the Crown is subject to all liabilities in tort to which, if it were a person of full age and capacity, it would be subject,

- (a) in respect of a tort committed by any of its servants or agents;
- (b) in respect of a breach of the duties that a person owes to his servants or agents by reason of being their employer;
- (c) in respect of any breach of the duties attaching to the ownership, occupation, possession or control of property; and

- (d) under any statute, or under any regulation or by-law made or passed under the authority of any statute.

(2) No proceedings shall be brought against the Crown under clause *a* of subsection 1 in respect of an act or omission of a servant or agent of the Crown unless proceedings in tort in respect of such act or omission may be brought against that servant or agent or his personal representative. Where proceedings in tort lie

(3) Where a function is conferred or imposed upon a servant of the Crown as such, either by a rule of the common law or by or under a statute, and that servant commits a tort in the course of performing or purporting to perform that function, the liability of the Crown in respect of the tort shall be such as it would have been if that function had been conferred or imposed by instructions lawfully given by the Crown. Liability for acts of servants performing duties legally required

(4) In proceedings against the Crown under this section, an enactment that negatives or limits the liability of a servant of the Crown in respect of a tort committed by that servant applies in relation to the Crown as it would have applied in relation to that servant if the proceedings against the Crown had been proceedings against that servant. Application of enactments limiting liability of servants of the Crown

(5) Where property vests in the Crown independent of the acts or the intentions of the Crown, the Crown is not, by virtue of this Act, subject to liability in tort by reason only of the property being so vested; but this subsection does not affect the liability of the Crown under this Act in respect of any period after the Crown, or any servant of the Crown, has in fact taken possession or control of the property. Property vesting in the Crown

(6) No proceedings lie against the Crown under this section in respect of anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in him or responsibilities that he has in connection with the execution of judicial process. 1952, c. 78, s. 5. Limitation of liability in respect of judicial acts

6. The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person of full age and capacity. 1952, c. 78, s. 6. Application of law as to indemnity and contribution

7. Except as otherwise provided in this Act, proceedings against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with *The Judicature Act* and the rules of court. 1952, c. 78, s. 7. Proceedings in Supreme Court R.S.O. 1960, c. 197

Proceedings
in county
and district
courts

R.S.O. 1960,
c. 76

8. Except as otherwise provided in this Act and to any enactment limiting the jurisdiction of county and district courts, proceedings against the Crown may be instituted in a county or district court and proceeded with in accordance with *The County Courts Act* and the rules of court. 1952, c. 78, s. 8.

Appeals,
stay of
execution,
etc.

9. Except as otherwise provided in this Act, all enactments and rules of court relating to appeals and stay of execution or proceedings, with necessary modifications, apply to proceedings against the Crown. 1952, c. 78, s. 9.

Discovery

10. In proceedings against the Crown, the rules of the court in which the proceedings are pending as to discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest. 1952, c. 78, s. 10.

Designation
of Crown in
proceedings

11. In proceedings under this Act, the Crown shall be designated "Her Majesty the Queen in right of Ontario". 1952, c. 78, s. 11.

Service on
the Crown

12. In proceedings under this Act, a document to be served on the Crown shall be served by leaving a copy with the Attorney General or the Deputy Attorney General or any barrister or solicitor in the office of the Attorney General. 1952, c. 78, s. 12.

Trial with-
out jury

13. In proceedings against the Crown, trial shall be without a jury. 1952, c. 78, s. 13.

Interpleader

14. The Crown may obtain relief by way of interpleader proceedings and may be made a party to such proceedings in the same manner as a person may obtain relief by way of such proceedings, or be made a party thereto, notwithstanding that the application for relief is made by a sheriff or bailiff or other like officer, and the provisions relating to interpleader proceedings in the rules of court, subject to this Act, shall have effect accordingly. 1952, c. 78, s. 14.

Rights of
parties and
authority
of court

15. Except as otherwise provided in this Act, in proceedings against the Crown, the rights of the parties are as nearly as possible the same as in a suit between persons, and the court may make any order that it may make in proceedings between persons, and may otherwise give such appropriate relief as the case may require. 1952, c. 78, s. 15.

16.—(1) Where in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance, but in lieu thereof may make an order declaratory of the rights of the parties.

No injunction or specific performance against Crown

(2) The court shall not in any proceedings grant an injunction or make an order against a servant of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have been obtained in proceedings against the Crown, but in lieu thereof may make an order declaratory of the rights of the parties. 1952, c. 78, s. 16.

Limitation on injunctions and orders against Crown servants

17. In proceedings against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery, but in lieu thereof may make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession thereof. 1952, c. 78, s. 17.

Order for recovery of property not to be made against Crown

18.—(1) No person may avail himself of any set-off or counterclaim in proceedings by the Crown for the recovery of taxes, duties, or penalties, or avail himself, in proceedings of any other nature by the Crown, of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

Restriction on set-off and counterclaim

(2) Subject to subsection 1, a person may avail himself of any set-off or counterclaim in proceedings by the Crown if the subject-matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which the proceedings are brought by the Crown. 1952, c. 78, s. 18.

Idem

19. Before taking any step in proceedings against the Crown, the Crown may require the claimant to provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and servants of the Crown concerned. 1952, c. 78, s. 19.

Crown may require information

20. In proceedings against the Crown, any defence that, if the proceedings were between persons, could be relied upon by the defendant as a defence to the proceedings or otherwise may be relied upon by the Crown. 1952, c. 78, s. 20.

Crown defences

No judgment by default against Crown without leave

21. In proceedings against the Crown, judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown. 1952, c. 78, s. 21.

Proceedings *in rem*

22. Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown. 1952, c. 78, s. 22.

Interest on judgment debt

23. A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another. 1952, c. 78, s. 23.

Prohibition of execution, etc., against Crown

24. No execution or attachment or process in the nature thereof shall be issued out of any court against the Crown. 1952, c. 78, s. 24.

Payment by Crown

25. Where an order of a court provides for the payment of money by the Crown by way of damages or costs or otherwise and such order is final and not subject to appeal, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the person entitled, or to his order, the amount due, together with the interest, if any, lawfully due thereon. 1952, c. 78, s. 25.

Conflict

26. Where this Act conflicts with any other Act, this Act governs. 1952, c. 78, s. 27.

No retro-active effect

27. No proceedings shall be brought against the Crown under this Act in respect of any act or omission, transaction, matter or thing occurring or existing before the day on which this Act comes into force. 1952, c. 78, s. 28, *amended*.

Pending claims

28.—(1) A claim against the Crown existing when this Act comes into force that, if this Act had not been passed, might have been enforced by petition of right may be proceeded with by petition of right, subject to the grant of a fiat by the Lieutenant Governor as if this Act had not been passed.

Existing contracts

(2) A claim arising under a contract with the Crown that was entered into before this Act comes into force may be proceeded with under subsection 1, but not otherwise. *New.*

Pending proceedings

(3) This Act does not affect proceedings against the Crown by petition of right that have been instituted before this Act comes into force, and, for the purposes of this section, proceedings against the Crown by petition of right shall be

deemed to have been instituted if a petition of right with respect to the matter in question has been left with the Provincial Secretary before this Act comes into force. 1952, c. 78, s. 26 (1).

(4) Subject to subsections 1, 2 and 3, proceedings against the Crown by petition of right are abolished, and, except for the purposes of subsections 1, 2 and 3, the rules of court respecting petitions of right are revoked. 1952, c. 78, s. 26 (2), *amended*.

29. *The Proceedings Against the Crown Act, 1952* is repealed. ^{1952, c. 78, repealed}

30. This Act comes into force on the 1st day of September, 1963. ^{Commence-ment}

31. This Act may be cited as *The Proceedings Against the Crown Act, 1962-63*. ^{Short title}

The Proceedings of the Council of the
1880.

The Proceedings Against the Crown Act,
1962-63

1st Reading

March 27th, 1963

2nd Reading

3rd Reading

Mr. Cass

BILL 128

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

The Proceedings Against the Crown Act, 1962-63

MR. CASS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

At the present time, no action in tort can be brought against the Crown and no other type of action can be brought except with consent and by way of a petition of right.

This Bill, subject to the exceptions mentioned, removes all the immunities and privileges heretofore enjoyed by the Crown and enables any person to sue the Crown and its servants and agents in the courts as of right in the same manner as he may sue a person.

The new Act is designed to replace *The Proceedings Against the Crown Act* which was passed in 1952 but not brought into force.

The new Act will apply to matters arising after it comes into force.

Claims and proceedings existing before the Act comes into force may be proceeded with by petition of right as though the Act had not been passed.

The Proceedings Against the Crown Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agent", when used in relation to the Crown, includes an independent contractor employed by the Crown;
- (b) "Crown" means Her Majesty the Queen in right of Ontario;
- (c) "order" includes a judgment, decree, rule, award and declaration;
- (d) "proceedings against the Crown" includes a claim by way of set-off or counterclaim raised in proceedings by the Crown and includes interpleader proceedings to which the Crown is a party;
- (e) "servant", when used in relation to the Crown, includes a minister of the Crown. 1952, c. 78, s. 1.

2.—(1) This Act does not affect and is subject to *The Certification of Titles Act* as to claims against The Certification of Titles Assurance Fund, *The Corporations Tax Act*, *The Expropriation Procedures Act*, 1962-63, *The Highway Improvement Act*, *The Income Tax Act*, 1961-62, *The Land Titles Act* as to claims against The Land Titles Assurance Fund, *The Logging Tax Act*, *The Mining Tax Act*, *The Motor Vehicle Accident Claims Act*, 1961-62, *The Retail Sales Tax Act*, 1960-61, *The Succession Duty Act* and *The Workmen's Compensation Act*. 1952, c. 78, s. 2 (1), amended.

Acts not
affected
R.S.O. 1960,
cc. 48, 73;
1962-63, c. . . ;
R.S.O. 1960,
c. 171;
1961-62,
c. 60;
R.S.O. 1960,
cc. 204, 224,
242;
1961-62,
c. 84;
1960-61,
c. 91;
R.S.O. 1960,
cc. 386, 437

(2) Nothing in this Act,

Limits of
scope of
Act

- (a) subjects the Crown to greater liability in respect of the acts or omissions of a servant or agent of the Crown than that to which the Crown would be

subject in respect of such acts or omissions if it were a person of full age and capacity; or

- (b) subjects the Crown to proceedings under this Act in respect of a cause of action that is enforceable against a corporation or other agency of the Crown; or
- (c) subjects the Crown to proceedings under this Act in respect of any act or omission of a servant of the Crown unless that servant has been appointed by or is employed by the Crown; or
- (d) subjects the Crown to proceedings under this Act in respect of anything done in the due enforcement of the criminal law or of the penal provisions of any Act of the Legislature; or
- (e) authorizes proceedings against the Crown under *The Division Courts Act* or *The Master and Servant Act*, 1952, c. 78, s. 2 (2).

R.S.O. 1960,
cc. 110, 230

Right to
sue Crown
without
fiat

3. Except as provided in section 28, a claim against the Crown that, if this Act had not been passed, might be enforced by petition of right, subject to the grant of a fiat by the Lieutenant Governor, may be enforced as of right by proceedings against the Crown in accordance with this Act without the grant of a fiat by the Lieutenant Governor. 1952, c. 78, s. 3.

Right to
sue Crown
corporation
without
consent

4. A claim against a corporation of the Crown that, if this Act had not been passed, might be enforced, subject to the consent of a servant of the Crown, may be enforced as of right without such consent. 1952, c. 78, s. 4.

Liability
in tort
R.S.O. 1960,
c. 191

5.—(1) Except as otherwise provided in this Act and notwithstanding section 11 of *The Interpretation Act*, the Crown is subject to all liabilities in tort to which, if it were a person of full age and capacity, it would be subject,

- (a) in respect of a tort committed by any of its servants or agents;
- (b) in respect of a breach of the duties that a person owes to his servants or agents by reason of being their employer;
- (c) in respect of any breach of the duties attaching to the ownership, occupation, possession or control of property; and

(d) under any statute, or under any regulation or by-law made or passed under the authority of any statute.

(2) No proceedings shall be brought against the Crown under clause *a* of subsection 1 in respect of an act or omission of a servant or agent of the Crown unless proceedings in tort in respect of such act or omission may be brought against that servant or agent or his personal representative. Where proceedings in tort lie

(3) Where a function is conferred or imposed upon a servant of the Crown as such, either by a rule of the common law or by or under a statute, and that servant commits a tort in the course of performing or purporting to perform that function, the liability of the Crown in respect of the tort shall be such as it would have been if that function had been conferred or imposed by instructions lawfully given by the Crown. Liability for acts of servants performing duties legally required

(4) In proceedings against the Crown under this section, an enactment that negatives or limits the liability of a servant of the Crown in respect of a tort committed by that servant applies in relation to the Crown as it would have applied in relation to that servant if the proceedings against the Crown had been proceedings against that servant. Application of enactments limiting liability of servants of the Crown

(5) Where property vests in the Crown independent of the acts or the intentions of the Crown, the Crown is not, by virtue of this Act, subject to liability in tort by reason only of the property being so vested; but this subsection does not affect the liability of the Crown under this Act in respect of any period after the Crown, or any servant of the Crown, has in fact taken possession or control of the property. Property vesting in the Crown

(6) No proceedings lie against the Crown under this section in respect of anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in him or responsibilities that he has in connection with the execution of judicial process. 1952, c. 78, s. 5. Limitation of liability in respect of judicial acts

6. The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person of full age and capacity. 1952, c. 78, s. 6. Application of law as to indemnity and contribution

7. Except as otherwise provided in this Act, proceedings against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with *The Judicature Act* and the rules of court. 1952, c. 78, s. 7. Proceedings in Supreme Court
R.S.O. 1960, c. 197

Proceedings
in county
and district
courts

R.S.O. 1960,
c. 76

Appeals,
stay of
execution,
etc.

Discovery

Designation
of Crown in
proceedings

Service on
the Crown

Trial with-
out jury

Interpleader

Rights of
parties and
authority
of court

8. Except as otherwise provided in this Act and to any enactment limiting the jurisdiction of county and district courts, proceedings against the Crown may be instituted in a county or district court and proceeded with in accordance with *The County Courts Act* and the rules of court. 1952, c. 78, s. 8.

9. Except as otherwise provided in this Act, all enactments and rules of court relating to appeals and stay of execution or proceedings, with necessary modifications, apply to proceedings against the Crown. 1952, c. 78, s. 9.

10. In proceedings against the Crown, the rules of the court in which the proceedings are pending as to discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest. 1952, c. 78, s. 10.

11. In proceedings under this Act, the Crown shall be designated "Her Majesty the Queen in right of Ontario". 1952, c. 78, s. 11.

12. In proceedings under this Act, a document to be served on the Crown shall be served by leaving a copy with the Attorney General or the Deputy Attorney General or any barrister or solicitor in the office of the Attorney General. 1952, c. 78, s. 12.

13. In proceedings against the Crown, trial shall be without a jury. 1952, c. 78, s. 13.

14. The Crown may obtain relief by way of interpleader proceedings and may be made a party to such proceedings in the same manner as a person may obtain relief by way of such proceedings, or be made a party thereto, notwithstanding that the application for relief is made by a sheriff or bailiff or other like officer, and the provisions relating to interpleader proceedings in the rules of court, subject to this Act, shall have effect accordingly. 1952, c. 78, s. 14.

15. Except as otherwise provided in this Act, in proceedings against the Crown, the rights of the parties are as nearly as possible the same as in a suit between persons, and the court may make any order that it may make in proceedings between persons, and may otherwise give such appropriate relief as the case may require. 1952, c. 78, s. 15.

16.—(1) Where in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance, but in lieu thereof may make an order declaratory of the rights of the parties.

No injunction or specific performance against Crown

(2) The court shall not in any proceedings grant an injunction or make an order against a servant of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have been obtained in proceedings against the Crown, but in lieu thereof may make an order declaratory of the rights of the parties. 1952, c. 78, s. 16.

Limitation on injunctions and orders against Crown servants

17. In proceedings against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery, but in lieu thereof may make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession thereof. 1952, c. 78, s. 17.

Order for recovery of property not to be made against Crown

18.—(1) No person may avail himself of any set-off or counterclaim in proceedings by the Crown for the recovery of taxes, duties, or penalties, or avail himself, in proceedings of any other nature by the Crown, of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

Restriction on set-off and counterclaim

(2) Subject to subsection 1, a person may avail himself of any set-off or counterclaim in proceedings by the Crown if the subject-matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which the proceedings are brought by the Crown. 1952, c. 78, s. 18.

Idem

19. Before taking any step in proceedings against the Crown, the Crown may require the claimant to provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and servants of the Crown concerned. 1952, c. 78, s. 19.

Crown may require information

20. In proceedings against the Crown, any defence that, if the proceedings were between persons, could be relied upon by the defendant as a defence to the proceedings or otherwise may be relied upon by the Crown. 1952, c. 78, s. 20.

Crown defences

No judgment by default against Crown without leave

21. In proceedings against the Crown, judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown. 1952, c. 78, s. 21.

Proceedings *in rem*

22. Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown. 1952, c. 78, s. 22.

Interest on judgment debt

23. A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another. 1952, c. 78, s. 23.

Prohibition of execution, etc., against Crown

24. No execution or attachment or process in the nature thereof shall be issued out of any court against the Crown. 1952, c. 78, s. 24.

Payment by Crown

25. Where an order of a court provides for the payment of money by the Crown by way of damages or costs or otherwise and such order is final and not subject to appeal, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the person entitled, or to his order, the amount due, together with the interest, if any, lawfully due thereon. 1952, c. 78, s. 25.

Conflict

26. Where this Act conflicts with any other Act, this Act governs. 1952, c. 78, s. 27.

No retroactive effect

27. No proceedings shall be brought against the Crown under this Act in respect of any act or omission, transaction, matter or thing occurring or existing before the day on which this Act comes into force. 1952, c. 78, s. 28, *amended*.

Pending claims

28.—(1) A claim against the Crown existing when this Act comes into force that, if this Act had not been passed, might have been enforced by petition of right may be proceeded with by petition of right, subject to the grant of a fiat by the Lieutenant Governor as if this Act had not been passed.

Existing contracts

(2) A claim arising under a contract with the Crown that was entered into before this Act comes into force may be proceeded with under subsection 1, but not otherwise. *New*.

Pending proceedings

(3) This Act does not affect proceedings against the Crown by petition of right that have been instituted before this Act comes into force, and, for the purposes of this section, proceedings against the Crown by petition of right shall be

deemed to have been instituted if a petition of right with respect to the matter in question has been left with the Provincial Secretary before this Act comes into force. 1952, c. 78, s. 26 (1).

(4) Subject to subsections 1, 2 and 3, proceedings against the Crown by petition of right are abolished, and, except for the purposes of subsections 1, 2 and 3, the rules of court respecting petitions of right are revoked. 1952, c. 78, s. 26 (2), *amended*.

29. *The Proceedings Against the Crown Act, 1952* is repealed. ^{1952, c. 78, repealed}

30. This Act comes into force on the 1st day of September, 1963. ^{Commence-ment}

31. This Act may be cited as *The Proceedings Against the Crown Act, 1962-63*. ^{Short title}

THE PROCEEDINGS
1883-84
OF THE
COUNCIL OF THE
CITY OF NEW YORK

The Proceedings Against the Crown Act,
1962-63

1st Reading

March 27th, 1963

2nd Reading

April 1st, 1963

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 128

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

The Proceedings Against the Crown Act, 1962-63

Mr. CASS

BILL 128

1962-63

The Proceedings Against the Crown Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agent", when used in relation to the Crown, includes an independent contractor employed by the Crown;
- (b) "Crown" means Her Majesty the Queen in right of Ontario;
- (c) "order" includes a judgment, decree, rule, award and declaration;
- (d) "proceedings against the Crown" includes a claim by way of set-off or counterclaim raised in proceedings by the Crown and includes interpleader proceedings to which the Crown is a party;
- (e) "servant", when used in relation to the Crown, includes a minister of the Crown. 1952, c. 78, s. 1.

2.—(1) This Act does not affect and is subject to *The Certification of Titles Act* as to claims against The Certification of Titles Assurance Fund, *The Corporations Tax Act*, *The Expropriation Procedures Act*, 1962-63, *The Highway Improvement Act*, *The Income Tax Act*, 1961-62, *The Land Titles Act* as to claims against The Land Titles Assurance Fund, *The Logging Tax Act*, *The Mining Tax Act*, *The Motor Vehicle Accident Claims Act*, 1961-62, *The Retail Sales Tax Act*, 1960-61, *The Succession Duty Act* and *The Workmen's Compensation Act*. 1952, c. 78, s. 2 (1), amended.

Acts not
affected
R.S.O. 1960,
cc. 48, 73;
1962-63, c. ...;
R.S.O. 1960,
c. 171;
1961-62,
c. 60;
R.S.O. 1960,
cc. 204, 224,
242;
1961-62,
c. 84;
1960-61,
c. 91;
R.S.O. 1960,
cc. 386, 437

(2) Nothing in this Act,

Limits of
scope of
Act

- (a) subjects the Crown to greater liability in respect of the acts or omissions of a servant or agent of the Crown than that to which the Crown would be

subject in respect of such acts or omissions if it were a person of full age and capacity; or

- (b) subjects the Crown to proceedings under this Act in respect of a cause of action that is enforceable against a corporation or other agency of the Crown; or
- (c) subjects the Crown to proceedings under this Act in respect of any act or omission of a servant of the Crown unless that servant has been appointed by or is employed by the Crown; or
- (d) subjects the Crown to proceedings under this Act in respect of anything done in the due enforcement of the criminal law or of the penal provisions of any Act of the Legislature; or
- (e) authorizes proceedings against the Crown under *The Division Courts Act* or *The Master and Servant Act*, 1952, c. 78, s. 2 (2).

R.S.O. 1960,
cc. 110, 230

Right to
sue Crown
without
fiat

3. Except as provided in section 28, a claim against the Crown that, if this Act had not been passed, might be enforced by petition of right, subject to the grant of a fiat by the Lieutenant Governor, may be enforced as of right by proceedings against the Crown in accordance with this Act without the grant of a fiat by the Lieutenant Governor. 1952, c. 78, s. 3.

Right to
sue Crown
corporation
without
consent

4. A claim against a corporation of the Crown that, if this Act had not been passed, might be enforced, subject to the consent of a servant of the Crown, may be enforced as of right without such consent. 1952, c. 78, s. 4.

Liability
in tort
R.S.O. 1960,
c. 191

5.—(1) Except as otherwise provided in this Act and notwithstanding section 11 of *The Interpretation Act*, the Crown is subject to all liabilities in tort to which, if it were a person of full age and capacity, it would be subject,

- (a) in respect of a tort committed by any of its servants or agents;
- (b) in respect of a breach of the duties that a person owes to his servants or agents by reason of being their employer;
- (c) in respect of any breach of the duties attaching to the ownership, occupation, possession or control of property; and

- (d) under any statute, or under any regulation or by-law made or passed under the authority of any statute.

(2) No proceedings shall be brought against the Crown under clause *a* of subsection 1 in respect of an act or omission of a servant or agent of the Crown unless proceedings in tort in respect of such act or omission may be brought against that servant or agent or his personal representative. Where proceedings in tort lie

(3) Where a function is conferred or imposed upon a servant of the Crown as such, either by a rule of the common law or by or under a statute, and that servant commits a tort in the course of performing or purporting to perform that function, the liability of the Crown in respect of the tort shall be such as it would have been if that function had been conferred or imposed by instructions lawfully given by the Crown. Liability for acts of servants performing duties legally required

(4) In proceedings against the Crown under this section, an enactment that negatives or limits the liability of a servant of the Crown in respect of a tort committed by that servant applies in relation to the Crown as it would have applied in relation to that servant if the proceedings against the Crown had been proceedings against that servant. Application of enactments limiting liability of servants of the Crown

(5) Where property vests in the Crown independent of the acts or the intentions of the Crown, the Crown is not, by virtue of this Act, subject to liability in tort by reason only of the property being so vested; but this subsection does not affect the liability of the Crown under this Act in respect of any period after the Crown, or any servant of the Crown, has in fact taken possession or control of the property. Property vesting in the Crown

(6) No proceedings lie against the Crown under this section in respect of anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in him or responsibilities that he has in connection with the execution of judicial process. 1952, c. 78, s. 5. Limitation of liability in respect of judicial acts

6. The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person of full age and capacity. 1952, c. 78, s. 6. Application of law as to indemnity and contribution

7. Except as otherwise provided in this Act, proceedings against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with *The Judicature Act* and the rules of court. 1952, c. 78, s. 7. Proceedings in Supreme Court
R.S.O. 1960, c. 197

Proceedings
in county
and district
courts

R.S.O. 1960,
c. 76

Appeals,
stay of
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etc.

Discovery

Designation
of Crown in
proceedings

Service on
the Crown

Trial with-
out jury

Interpleader

Rights of
parties and
authority
of court

8. Except as otherwise provided in this Act and to any enactment limiting the jurisdiction of county and district courts, proceedings against the Crown may be instituted in a county or district court and proceeded with in accordance with *The County Courts Act* and the rules of court. 1952, c. 78, s. 8.

9. Except as otherwise provided in this Act, all enactments and rules of court relating to appeals and stay of execution or proceedings, with necessary modifications, apply to proceedings against the Crown. 1952, c. 78, s. 9.

10. In proceedings against the Crown, the rules of the court in which the proceedings are pending as to discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest. 1952, c. 78, s. 10.

11. In proceedings under this Act, the Crown shall be designated "Her Majesty the Queen in right of Ontario". 1952, c. 78, s. 11.

12. In proceedings under this Act, a document to be served on the Crown shall be served by leaving a copy with the Attorney General or the Deputy Attorney General or any barrister or solicitor in the office of the Attorney General. 1952, c. 78, s. 12.

13. In proceedings against the Crown, trial shall be without a jury. 1952, c. 78, s. 13.

14. The Crown may obtain relief by way of interpleader proceedings and may be made a party to such proceedings in the same manner as a person may obtain relief by way of such proceedings, or be made a party thereto, notwithstanding that the application for relief is made by a sheriff or bailiff or other like officer, and the provisions relating to interpleader proceedings in the rules of court, subject to this Act, shall have effect accordingly. 1952, c. 78, s. 14.

15. Except as otherwise provided in this Act, in proceedings against the Crown, the rights of the parties are as nearly as possible the same as in a suit between persons, and the court may make any order that it may make in proceedings between persons, and may otherwise give such appropriate relief as the case may require. 1952, c. 78, s. 15.

16.—(1) Where in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance, but in lieu thereof may make an order declaratory of the rights of the parties.

No injunction or specific performance against Crown

(2) The court shall not in any proceedings grant an injunction or make an order against a servant of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have been obtained in proceedings against the Crown, but in lieu thereof may make an order declaratory of the rights of the parties. 1952, c. 78, s. 16.

Limitation on injunctions and orders against Crown servants

17. In proceedings against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery, but in lieu thereof may make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession thereof. 1952, c. 78, s. 17.

Order for recovery of property not to be made against Crown

18.—(1) No person may avail himself of any set-off or counterclaim in proceedings by the Crown for the recovery of taxes, duties, or penalties, or avail himself, in proceedings of any other nature by the Crown, of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

Restriction on set-off and counterclaim

(2) Subject to subsection 1, a person may avail himself of any set-off or counterclaim in proceedings by the Crown if the subject-matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which the proceedings are brought by the Crown. 1952, c. 78, s. 18.

Idem

19. Before taking any step in proceedings against the Crown, the Crown may require the claimant to provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and servants of the Crown concerned. 1952, c. 78, s. 19.

Crown may require information

20. In proceedings against the Crown, any defence that, if the proceedings were between persons, could be relied upon by the defendant as a defence to the proceedings or otherwise may be relied upon by the Crown. 1952, c. 78, s. 20.

Crown defences

No judgment by default against Crown without leave

21. In proceedings against the Crown, judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown. 1952, c. 78, s. 21.

Proceedings *in rem*

22. Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown. 1952, c. 78, s. 22.

Interest on judgment debt

23. A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another. 1952, c. 78, s. 23.

Prohibition of execution, etc., against Crown

24. No execution or attachment or process in the nature thereof shall be issued out of any court against the Crown. 1952, c. 78, s. 24.

Payment by Crown

25. Where an order of a court provides for the payment of money by the Crown by way of damages or costs or otherwise and such order is final and not subject to appeal, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the person entitled, or to his order, the amount due, together with the interest, if any, lawfully due thereon. 1952, c. 78, s. 25.

Conflict

26. Where this Act conflicts with any other Act, this Act governs. 1952, c. 78, s. 27.

No retro-active effect

27. No proceedings shall be brought against the Crown under this Act in respect of any act or omission, transaction, matter or thing occurring or existing before the day on which this Act comes into force. 1952, c. 78, s. 28, *amended*.

Pending claims

28.—(1) A claim against the Crown existing when this Act comes into force that, if this Act had not been passed, might have been enforced by petition of right may be proceeded with by petition of right, subject to the grant of a fiat by the Lieutenant Governor as if this Act had not been passed.

Existing contracts

(2) A claim arising under a contract with the Crown that was entered into before this Act comes into force may be proceeded with under subsection 1, but not otherwise. *New*.

Pending proceedings

(3) This Act does not affect proceedings against the Crown by petition of right that have been instituted before this Act comes into force, and, for the purposes of this section, proceedings against the Crown by petition of right shall be

deemed to have been instituted if a petition of right with respect to the matter in question has been left with the Provincial Secretary before this Act comes into force. 1952, c. 78, s. 26 (1).

(4) Subject to subsections 1, 2 and 3, proceedings against the Crown by petition of right are abolished, and, except for the purposes of subsections 1, 2 and 3, the rules of court respecting petitions of right are revoked. 1952, c. 78, s. 26 (2), *amended*. ^{Petitions of right abolished}

29. *The Proceedings Against the Crown Act, 1952* is repealed. ^{1952, c. 78, repealed}

30. This Act comes into force on the 1st day of September, 1963. ^{Commencement}

31. This Act may be cited as *The Proceedings Against the Crown Act, 1962-63*. ^{Short title}



The Proceedings Against the Crown Act,
1962-63

1st Reading

March 27th, 1963

2nd Reading

April 1st, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 129

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Statute Labour Act

MR. MACNAUGHTON

EXPLANATORY NOTE

The purpose of this Bill is to bring the section into conformity with *The Public Lands Act* and the current practice of the Department of Lands and Forests of reserving in certain instances 10 per cent of the area for roads rather than 5 per cent in the case of sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights.

BILL 129

1962-63

An Act to amend The Statute Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Statute Labour Act* is amended by striking out "five per cent" in the sixth and seventh lines and inserting in lieu thereof "any", so that the subsection shall read as follows: R.S.O. 1960,
c. 382, s. 23,
subs. 1,
amended

- (1) The commissioners have power to open road allowances when they have been laid down in the original surveys, and, where such road allowances are either wholly or partly impracticable, to lay out roads in lieu thereof and direct the performance of statute labour thereon, and, where no road allowances are laid down in the original surveys, but any of the area is reserved for roads, the commissioners may lay out roads where necessary and direct the performance of statute labour accordingly. Powers of
road com-
missioners
as to
opening
roads

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Statute Labour Amendment Act, 1962-63*. Short title

An Act to amend The Statute Labour Act

1st Reading

March 28th, 1963

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 129

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Statute Labour Act

MR. MACNAUGHTON



BILL 129

1962-63

An Act to amend The Statute Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Statute Labour Act* is amended by striking out "five per cent" in the sixth and seventh lines and inserting in lieu thereof "any", so that the subsection shall read as follows: R.S.O. 1960, c. 382, s. 23, subs. 1, amended

- (1) The commissioners have power to open road allowances when they have been laid down in the original surveys, and, where such road allowances are either wholly or partly impracticable, to lay out roads in lieu thereof and direct the performance of statute labour thereon, and, where no road allowances are laid down in the original surveys, but any of the area is reserved for roads, the commissioners may lay out roads where necessary and direct the performance of statute labour accordingly. Powers of road commissioners as to opening roads

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Statute Labour Amendment Act, 1962-63*. Short title

An Act to amend The Statute Labour Act

1st Reading

March 28th, 1963

2nd Reading

April 1st, 1963

3rd Reading

April 26th, 1963

MR. MACNAUGHTON

BILL 130

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

The Gas and Oil Leases Act, 1962-63

MR. MACAULAY

EXPLANATORY NOTE

This Act, which was passed in 1943 and has not been amended, is designed to provide a simple, expeditious and inexpensive procedure for removing defaulted gas and oil leases from the title of the lands leased.

The Bill contains a revision of the Act designed to give relief to landowners from the delays that must occur under the present Act and generally to improve its operation.

BILL 130

1962-63

The Gas and Oil Leases Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "gas or oil lease" includes any agreement, whether by way of option, lease, grant or otherwise, granting the right to operate lands for the production and removal of natural gas or oil, or both, except a grant to so operate where the amount or payment of the consideration therefor is not dependent upon the operation of such lands or upon the production of gas or oil or upon the amount of gas or oil produced, and "lessee" and "lessor" have corresponding meanings and include heirs, successors, administrators, executors, assigns and transferees of the lessee or lessor, as the case may be;
- (b) "judge" means the judge of the county or district court of the county or district in which the land is situate. R.S.O. 1960, c. 160, s. 1, *amended*.

2.—(1) Where the lessor of any land alleges,

Application
upon default

- (a) that a lessee has made default under the terms of a gas or oil lease affecting the land in that he has failed to commence to drill a well for natural gas or oil and has failed to pay rentals in lieu thereof; or
- (b) that a lessee has made default under the terms of a gas or oil lease affecting the land, other than a default specified in clause *a*, and
 - (i) that the default has continued for a period of two years, or
 - (ii) that, the default having continued for a period of less than two years, the lessor has given notice in writing to the lessee specifying the

default alleged and requiring the lessee to cure the default within thirty days of the giving of the notice, and that the lessee has not cured the default within such thirty days,

the lessor may apply, upon affidavit, to a judge for an order declaring the lease void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 2 (1), *amended*.

Notice of
default

(2) Notice of default under subclause ii of clause *b* of subsection 1 shall be given to the lessee either by delivering it to him, leaving it at his residence or sending it to him by registered mail at his address as indicated in the lease, or at his last known address, but, where an assignment or transfer of the lease has been registered in the registry or land titles office, the notice shall be given to the assignee or transferee, instead of the original lessee, in the manner prescribed in this subsection. *New*.

Appointment
for inquiry
into
default

(3) The judge shall, in writing, appoint a time and place at which he will inquire and determine whether default has been made as alleged. R.S.O. 1960, c. 160, s. 2 (2).

Service
of notice
of inquiry

(4) A notice in writing of the time and place appointed, together with a copy of the affidavit used upon the application, shall be served upon the lessee either by delivering them to him, leaving them at his residence or sending them to him by registered mail at his address as indicated in the lease, or at his last known address, or in such other manner and at such other address as the judge directs, not less than thirty days before the return of the appointment. R.S.O. 1960, c. 160, s. 2 (3), *amended*.

Idem

(5) Where an assignment or transfer of the lease has been registered in the registry or land titles office, the appointment shall be served upon the assignee or transferee, instead of the original lessee, in the manner prescribed in subsection 4. R.S.O. 1960, c. 160, s. 2 (4), *amended*.

Style of
proceedings

3. The proceedings shall be entitled in the county or district court of the county or district in which the land lies, and shall be styled:

“In the matter of, Lessor,
and, Lessee.”

R.S.O. 1960, c. 160, s. 3.

Where lessee
fails to
appear

4.—(1) If at the time and place appointed the lessee fails to appear and it appears to the judge,

- (a) that default has been made as indicated in clause *a* of subsection 1 of section 2; or
- (b) that default has been made as indicated in clause *b* of subsection 1 of section 2 and,
 - (i) has continued for a period of two years, or
 - (ii) has not been cured within thirty days after the giving of notice under subclause ii of the said clause *b*,

as the case may be, the judge may, notwithstanding any provision in the gas or oil lease requiring the lessor to give notice to the lessee of any default, make an order declaring that the gas or oil lease is void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 4 (1), *amended*.

(2) If the lessee appears, the judge shall, in a summary ^{Where} manner, hear the parties and their witnesses and examine ^{lessee} ^{appears} into the matter, and, if it appears to the judge,

- (a) that default has been made as indicated in clause *a* of subsection 1 of section 2; or
- (b) that default has been made as indicated in clause *b* of subsection 1 of section 2 and,
 - (i) has continued for a period of two years, or
 - (ii) has not been cured within thirty days after the giving of a notice under subclause ii of the said clause *b*,

as the case may be, the judge may, notwithstanding any provision in the gas or oil lease requiring the lessor to give notice to the lessee of any default, make an order declaring that the gas or oil lease is void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 4 (2), *amended*.

(3) Every order shall contain a description of the land ^{Description} ^{of land} affected sufficient to permit registration of the order, and, where the order vacates the registration of a lease or an assignment or transfer thereof, the order shall contain a reference to the registration number of such lease, assignment or transfer. R.S.O. 1960, c. 160, s. 4 (3), *amended*.

Irregularities in procedure **5.** The judge has the same power to amend or excuse irregularities in the proceedings as he has in an action. R.S.O. 1960, c. 160, s. 5.

Subsequent drilling, etc., not to be taken into account **6.** The judge, upon the hearing of the application, shall not take into account,

- (a) any drilling done or sought to be done after the making of the application;
- (b) any rentals or other remuneration tendered after the making of the application; or
- (c) any other attempt, made after the making of the application, to cure a default,

unless such drilling, tender or other action is agreed to or accepted by the applicant. R.S.O. 1960, c. 160, s. 6, *amended*.

Appeal **7.** An appeal lies to the Court of Appeal from the order of the judge granting or refusing an order under section 4. R.S.O. 1960, c. 160, s. 7.

Registration of order **8.** Any order made under section 4, or a copy thereof certified by the clerk of the court under the seal of the court, may be registered in the proper registry or land titles office. R.S.O. 1960, c. 160, s. 8, *amended*.

Pending applications
R.S.O. 1960, c. 160 **9.** Any application made under *The Gas and Oil Leases Act* before this Act comes into force shall be continued and disposed of as if this Act had not been passed.

R.S.O. 1960, c. 160, repealed **10.** *The Gas and Oil Leases Act* is repealed.

Commencement **11.** This Act comes into force on the day it receives Royal Assent.

Short title **12.** This Act may be cited as *The Gas and Oil Leases Act, 1962-63*.

Bill 130
The Gas and Oil Leases Act, 1962-63

1st Reading

March 28th, 1963

2nd Reading

3rd Reading

MR. MACAULAY

BILL 130

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

The Gas and Oil Leases Act, 1962-63

MR. MACAULAY

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

The Gas and Oil Leases Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "gas or oil lease" includes any agreement, whether by way of option, lease, grant or otherwise, granting the right to operate lands for the production and removal of natural gas or oil, or both, except a grant to so operate where the amount or payment of the consideration therefor is not dependent upon the operation of such lands or upon the production of gas or oil or upon the amount of gas or oil produced, and "lessee" and "lessor" have corresponding meanings and include heirs, successors, administrators, executors, assigns and transferees of the lessee or lessor, as the case may be;
- (b) "judge" means the judge of the county or district court of the county or district in which the land is situate. R.S.O. 1960, c. 160, s. 1, *amended*.

2.—(1) Where the lessor of any land alleges,

Application
upon default

- (a) that a lessee has made default under the terms of a gas or oil lease affecting the land in that he has failed to commence to drill a well for natural gas or oil and has failed to pay rentals in lieu thereof; or
- (b) that a lessee has made default under the terms of a gas or oil lease affecting the land, other than a default specified in clause *a*, and
 - (i) that the default has continued for a period of two years, or
 - (ii) that, the default having continued for a period of less than two years, the lessor has given notice in writing to the lessee specifying the

default alleged and requiring the lessee to cure the default within thirty days of the giving of the notice, and that the lessee has not cured the default within such thirty days,

the lessor may apply, upon affidavit, to a judge for an order declaring the lease void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 2 (1), *amended*.

Notice of
default

(2) Notice of default under subclause ii of clause *b* of subsection 1 shall be given to the lessee either by delivering it to him, leaving it at his residence or sending it to him by registered mail at his address as indicated in the lease, or at his last known address, but, where an assignment or transfer of the lease has been registered in the registry or land titles office, the notice shall be given to the assignee or transferee, instead of the original lessee, in the manner prescribed in this subsection. *New*.

Appointment
for inquiry
into
default

(3) The judge shall, in writing, appoint a time and place at which he will inquire and determine whether default has been made as alleged. R.S.O. 1960, c. 160, s. 2 (2).

Service
of notice
of inquiry

(4) A notice in writing of the time and place appointed, together with a copy of the affidavit used upon the application, shall be served upon the lessee either by delivering them to him, leaving them at his residence or sending them to him by registered mail at his address as indicated in the lease, or at his last known address, or in such other manner and at such other address as the judge directs, not less than thirty days before the return of the appointment. R.S.O. 1960, c. 160, s. 2 (3), *amended*.

Idem

(5) Where an assignment or transfer of the lease has been registered in the registry or land titles office, the appointment shall be served upon the assignee or transferee, instead of the original lessee, in the manner prescribed in subsection 4. R.S.O. 1960, c. 160, s. 2 (4), *amended*.

Style of
proceedings

3. The proceedings shall be entitled in the county or district court of the county or district in which the land lies, and shall be styled:

"In the matter of, Lessor,
and, Lessee."

R.S.O. 1960, c. 160, s. 3.

Where lessee
fails to
appear

4.—(1) If at the time and place appointed the lessee fails to appear and it appears to the judge,

- (a) that default has been made as indicated in clause *a* of subsection 1 of section 2; or
- (b) that default has been made as indicated in clause *b* of subsection 1 of section 2 and,
 - (i) has continued for a period of two years, or
 - (ii) has not been cured within thirty days after the giving of notice under subclause ii of the said clause *b*,

as the case may be, the judge may, notwithstanding any provision in the gas or oil lease requiring the lessor to give notice to the lessee of any default, make an order declaring that the gas or oil lease is void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 4 (1), *amended*.

(2) If the lessee appears, the judge shall, in a summary ^{Where} ^{lessee} ^{appears} manner, hear the parties and their witnesses and examine into the matter, and, if it appears to the judge,

- (a) that default has been made as indicated in clause *a* of subsection 1 of section 2; or
- (b) that default has been made as indicated in clause *b* of subsection 1 of section 2 and,
 - (i) has continued for a period of two years, or
 - (ii) has not been cured within thirty days after the giving of a notice under subclause ii of the said clause *b*,

as the case may be, the judge may, notwithstanding any provision in the gas or oil lease requiring the lessor to give notice to the lessee of any default, make an order declaring that the gas or oil lease is void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 4 (2), *amended*.

(3) Every order shall contain a description of the land ^{Description} ^{of land} affected sufficient to permit registration of the order, and, where the order vacates the registration of a lease or an assignment or transfer thereof, the order shall contain a reference to the registration number of such lease, assignment or transfer. R.S.O. 1960, c. 160, s. 4 (3), *amended*.

Irregularities
in
procedure

5. The judge has the same power to amend or excuse irregularities in the proceedings as he has in an action. R.S.O. 1960, c. 160, s. 5.

Subsequent
drilling,
etc., not
to be
taken into
account

6. The judge, upon the hearing of the application, shall not take into account,

- (a) any drilling done or sought to be done after the making of the application;
- (b) any rentals or other remuneration tendered after the making of the application; or
- (c) any other attempt, made after the making of the application, to cure a default,

unless such drilling, tender or other action is agreed to or accepted by the applicant. R.S.O. 1960, c. 160, s. 6, *amended*.

Appeal

7. An appeal lies to the Court of Appeal from the order of the judge granting or refusing an order under section 4. R.S.O. 1960, c. 160, s. 7.

Registration
of order

8. Any order made under section 4, or a copy thereof certified by the clerk of the court under the seal of the court, may be registered in the proper registry or land titles office. R.S.O. 1960, c. 160, s. 8, *amended*.

Pending
applications
R.S.O. 1960,
c. 160

9. Any application made under *The Gas and Oil Leases Act* before this Act comes into force shall be continued and disposed of as if this Act had not been passed.

R.S.O. 1960,
c. 160,
repealed

10. *The Gas and Oil Leases Act* is repealed.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Gas and Oil Leases Act, 1962-63*.

The Gas and Oil Leases Act, 1962-63

1st Reading

March 28th, 1963

2nd Reading

April 1st, 1963

3rd Reading

April 26th, 1963

MR. MACAULAY

BILL 131

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Highway Improvement Act

MR. MACNAUGHTON

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTIONS 1, 2, 3 and 11. The terminology is brought into line with Bill 111 respecting expropriation procedures.

BILL 131

1962-63

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Highway Improvement Act* is amended by striking out "and description" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 3,
subs. 1,
amended

- (1) Where the Minister desires to acquire for the purposes of this Part jurisdiction and control over Crown lands not under the jurisdiction and control of the Department, he shall deposit with the Minister of Lands and Forests and register in the proper registry or land titles office a plan of the land to be known as and marked "Crown Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the land is under the jurisdiction and control of the Department for the purposes of this Part. Crown
Land
Plans

2. Subsection 1 of section 6 of *The Highway Improvement Act* is amended by striking out "and description" in the third line, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 6,
subs. 1,
amended

- (1) Where the Minister desires to acquire an existing highway, he shall register in the proper registry or land titles office a plan of the highway to be known as and marked "Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the highway vests in the Crown, and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned. Procedure
for
acquiring
a highway
Assumption
Plan

R.S.O. 1960,
c. 171, s. 7,
subs. 2,
amended

3.—(1) Subsection 2 of section 7 of *The Highway Improvement Act* is amended by striking out "and description" in the third line, so that the subsection shall read as follows:

Procedure
for expro-
priation
of land

Land Plan

- (2) Where the Minister desires to expropriate land under this section, he shall register in the proper registry or land titles office a plan of the land to be known as and marked "Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the land vests in the Crown.

R.S.O. 1960,
c. 171, s. 7,
subs. 3,
amended

(2) Subsection 3 of the said section 7 is amended by striking out "and description" in the third line, so that the subsection shall read as follows:

Where land
temporarily
required,
etc.

- (3) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan so registered shall indicate, by appropriate words thereon, that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the Crown.

R.S.O. 1960,
c. 171, s. 22,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 22 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Connecting
links,
extensions

- (1) Where it is deemed by the Minister that a highway,
- (a) that is under the jurisdiction and control of a city, town or village; or
 - (b) that is in a city, town or village and under the control of the county; or
 - (c) that was under the jurisdiction of the Department but has reverted or been transferred to a township and is an essential and direct connection between parts of the King's Highway,

should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Lieutenant Governor in Council may designate such highway as a connecting link or as an extension, as the case may be, to be

SECTION 4—Subsection 1. Under section 22 only a municipal highway in a city, town or village and under the jurisdiction of the local municipality or the county could heretofore be designated a connecting link or extension of the King's Highway. It has recently been found desirable to provide for such designation in certain urban townships where portions of the King's Highway have been or will be transferred to the jurisdiction and control of the township. The designation will permit the Department to contribute the whole or a major share of the cost of construction and maintenance of the connecting link under agreement with the township.

Subsection 2. This amendment extends to a township certain powers previously limited to a city, town or village.

Subsection 3. This amendment permits the Minister to enter into a connecting link agreement with a township.

Subsection 4. This amendment extends the scope of the subsection to include a township and provides for the apportionment of cost of construction and maintenance between the Minister and the municipality under the agreement. It also increases the construction subsidy to cities and separated towns from 50 per cent to 75 per cent, and the construction and maintenance subsidies to other local municipalities having a population of more than 2,500 from 75 per cent to 90 per cent.

constructed by the city, town, village, township or county, and the council of the city, town, village, township or county may pass by-laws for issuing and may issue debentures under *The Municipal Act*,^{R.S.O. 1960, c. 249} payable in such period as the Minister approves but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of the highway, but, in the case of a city, town, village or township, it is not necessary for the council to obtain the assent of the electors to any such by-laws for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

(2) Subsection 2 of the said section 22 is amended by striking out "or village" in the first line and inserting in lieu thereof "village or township", so that the subsection shall read as follows:^{R.S.O. 1960, c. 171, s. 22, subs. 2, amended}

(2) In the case of a city, town, village or township, work required to be constructed under subsection 1 may be undertaken as a local improvement under *The Local Improvement Act*, and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper.^{Work as local improvement R.S.O. 1960, c. 223}

(3) Subsection 3 of the said section 22 is amended by inserting after "village" in the second line "or township", so that the subsection shall read as follows:^{R.S.O. 1960, c. 171, s. 22, subs. 3, amended}

(3) The Minister and the council of a town, not being a separated town, or of a village or township may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of a highway designated under subsection 1.^{Construction and maintenance agreements, towns, villages, townships}

(4) Subsection 6 of the said section 22, as amended by section 1 of *The Highway Improvement Amendment Act, 1960-61*, is repealed and the following substituted therefor:^{R.S.O. 1960, c. 171, s. 22, subs. 6, re-enacted}

(6) An agreement under subsection 3, 4 or 5 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, as the case may be, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,^{Apportionment of cost of work}

- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway having a width of not more than 48 feet; and
- (c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet.

R.S.O. 1960,
c. 171, s. 22,
subs. 7,
repealed

- (5) Subsection 7 of the said section 22, as amended by section 2 of *The Highway Improvement Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 171, s. 22,
subs. 8,
re-enacted

- (6) Subsection 8 of the said section 22 is repealed and the following substituted therefor:

Idem,
additional
roadways
and widths

- (8) An agreement under subsection 3, 4 or 5 may provide for the construction and maintenance or for the construction, as the case may be, of roadways or additional widths of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway, and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

Subsection 5. The special provisions as to bridges are no longer necessary as the subsidy applicable to bridges is the same as is now applicable to other portions of the highway under the foregoing amendments.

Subsection 6. This re-enacts an existing provision in respect of additional width of roadway but extends the benefits to a township; it also provides the same increase in subsidies as in subsection 4.

Subsection 7. This amendment extends the scope of the subsection to include a connecting link in a township.

SECTION 5. Section 39 of the Act, which authorizes the making of regulations prohibiting or regulating the use of controlled-access highways by any class of vehicles or animals, is being transferred to *The Highway Traffic Act*. See section 5 of Bill 79 (reprinted as amended by the Standing Committee on Highways and Highway Safety).

SECTION 6. The purpose of this new subsection is to obviate the necessity for formal consent of the Lieutenant Governor in Council to a by-law which merely widens an existing county road. It also clarifies the status of the widening of the road as forming part of the road and as being included in the county road system.

SECTION 7. The purpose of this amendment is to clarify the meaning of the subsection.

- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction and maintenance of the work;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction and maintenance of the work; and
- (c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of the work.

(7) Subsection 10 of the said section 22 is amended by R.S.O. 1960, c. 171, s. 22, inserting after "village" in the fourth line "township", so subs. 10, amended that the subsection shall read as follows:

- (10) A highway does not, by reason of its having been constructed or maintained under this section, become the property of the Crown, but every such highway remains under the jurisdiction and control of the city, town, village, township or county, as the case may be. Jurisdiction and control unchanged

5. Section 39 of *The Highway Improvement Act* is repealed. R.S.O. 1960, c. 171, s. 22, repealed

6. Section 45 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 171, s. 45, amended

- (3a) Where a county acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the county road and is included in the county road system, and subsection 6 does not apply thereto. Status of land acquired for widening unchanged

7. Subsection 2 of section 50 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 50, subs. 2, amended

- (2) A county may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1. Supplementary by-law

R.S.O. 1960,
c. 171, s. 51,
subs. 3,
re-enacted

8.—(1) Subsection 3 of section 51 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Contribution
to be
deducted

- (3) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960,
c. 171, s. 51,
amended

(2) The said section 51 is amended by adding thereto the following subsection:

Advance
payments

- (4) Notwithstanding subsection 1 but subject to section 50, the Minister may, in his discretion, direct payment to the county treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

R.S.O. 1960,
c. 171, s. 59,
subs. 5,
amended

9.—(1) Subsection 5 of section 59 of *The Highway Improvement Act* is amended by striking out "or storm" in the fifth line, so that the subsection shall read as follows:

Apportion-
ment of
cost of
construction
of wider
pavements

- (5) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties, but such cost shall not include the cost of curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

R.S.O. 1960,
c. 171, s. 59,
subs. 9,
amended

(2) Subsection 9 of the said section 59 is amended by striking out "or storm" in the seventh line, so that the subsection shall read as follows:

Apportion-
ment of
cost of
maintenance

- (9) In the case of the maintenance of a pavement more than twenty-two feet in width, the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be

SECTION 8—Subsection 1. By this amendment the municipality will not be entirely deprived of subsidy for an expenditure in respect of which a contribution, however small, may have been made from some other source.

Subsection 2. This amendment will permit the Minister to assist the county in the financing of road expenditures by making advance payments on the current year's subsidy for estimated road expenditures.

SECTION 9—Subsection 1. This amendment will enable the county or the suburban road commission, as the case may be, to contribute to the cost of storm sewers constructed by a local municipality on a county or a suburban road under an agreement made under section 59 of the Act.

Subsections 2 and 3. These amendments bring these subsections into line with other amendments permitting subsidy for storm sewers.

SECTION 10—Subsections 1 and 2. These amendments permit a county to contribute to the cost of storm sewers on a road of an urban municipality which has been designated as an extension of or a connecting link in the county road system under an agreement between the county and the municipality concerned.

borne by the respective parties, but such cost shall not include the cost of maintaining curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

(3) Subsection 13 of the said section 59 is amended by striking out "or storm" in the thirteenth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 59,
subs. 13,
amended

(13) Where the Minister has approved an agreement under this section, the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures on roads under the jurisdiction of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary sewer or drain shall not be included in such statement. Subsidy to
local
municipality

10.—(1) Subsection 12 of section 60 of *The Highway Improvement Act* is amended by striking out "or storm" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 60,
subs. 12,
amended

(12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. Total cost,
what to
include

(2) Subsection 15 of the said section 60 is amended by striking out "or storm" in the eleventh line, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 60,
subs. 15,
amended

(15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant Subsidy to
urban
municipality

payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part X, but the cost of constructing or maintaining any sanitary sewer or drain shall not be included in such statement.

R.S.O. 1960,
c. 171, s. 66,
subs. 2,
amended

11. Subsection 2 of section 66 of *The Highway Improvement Act* is amended by striking out "and description" in the first line and in the fourth line, so that the subsection shall read as follows:

Plan and
registration

- (2) The plan of the land to be expropriated shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the registration of the plan in the proper registry or land titles office the land is vested in the county.

R.S.O. 1960,
c. 171, s. 76,
subs. 3,
amended

12.—(1) Subsection 3 of section 76 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows:

Supple-
mentary
by-law

- (3) A township may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 2.

R.S.O. 1960,
c. 171, s. 76,
amended

(2) The said section 76 is amended by adding thereto the following subsection:

Connecting
link
expenditures,
when to be
and not to
be included
in statement

- (3a) Where the construction or maintenance of a road in a township that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 22, the expenditure made by the township on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part.

R.S.O. 1960,
c. 171, s. 79,
amended

13. Section 79 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Advance
payments

- (5) Notwithstanding subsection 1 but subject to subsection 2 of section 76, the Minister may, in his

SECTION 12—Subsection 1. The purpose of this amendment is to clarify the meaning of the subsection.

Subsection 2. By reason of the amendment to section 22 of the Act permitting the designation of a township road as a connecting link or extension of the King's Highway, section 76 is amended to exclude from the ordinary municipal subsidies those items of expenditure which have already been subsidized under a connecting link agreement at the higher rates applicable thereunder. This provision is similar to that contained in section 83 (4) of the Act, applicable to a city, town or village in similar circumstances.

SECTION 13. This new provision will permit the Minister to assist townships in financing road expenditures by making an advance payment on the current year's subsidy for estimated road expenditures.

SECTION 14. The purpose of this amendment is to clarify the meaning of the subsection.

SECTION 15. This permits advance payments of subsidy to a city, town or village in the same manner as hereinbefore provided in the case of a township and a county.

SECTION 16—Subsections 1 and 2. These amendments permit the Minister to subsidize the construction and maintenance of storm sewers as being an expenditure properly chargeable to road improvement on a highway under the jurisdiction of a city, town or village.

discretion, direct payment to the township treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

14. Subsection 2 of section 82 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 82,
subs. 2,
amended

(2) A city, town or village may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 1. Supple-
mentary
by-law

15. Section 83 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 171, s. 83,
amended

(5) Notwithstanding subsection 1 but subject to section 82, the Minister may, in his discretion, direct payment to the treasurer of the municipality under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent, Advance
payments

(a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

16.—(1) Item 5 of section 84 of *The Highway Improvement Act* is amended by inserting after "than" in the second line "sanitary", so that the item shall read as follows: R.S.O. 1960,
c. 171, s. 84,
item 5,
amended

5. Constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a road.

R.S.O. 1960,
c. 171, s. 84,
item 7,
amended

(2) Item 7 of the said section 84 is amended by striking out "other than sewers" in the third line, so that the item shall read as follows:

7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor.

R.S.O. 1960,
c. 171
amended

17. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART XII-A

SUBWAY CONSTRUCTION

Interpre-
tation

91a.—(1) In this section,

- (a) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;
- (b) "subway" means that part of the rapid transit system of the Toronto Transit Commission known as the Bloor-Danforth Subway;
- (c) "subway right-of-way construction" means,
 - (i) clearing the land for the subway of obstructions,
 - (ii) taking up, removing or changing the location of public utilities,
 - (iii) constructing tunnels, bridges, culverts or other structures incidental to the subway right-of-way construction, except sanitary sewers,
 - (iv) constructing a base for the subway, including the installing of under-drainage therefor, other than sanitary sewers, and
 - (v) such other work relating to the construction of the subway as the Minister may approve.

Submission
of by-law
covering
expenditure

- (2) On or before the 31st day of March in any year, and, with the consent of the Minister, at any time during a year, the Metropolitan Corporation may submit

SECTION 17. This section provides for an annual grant by the Province to Metropolitan Toronto in respect of its expenditure for right-of-way construction of the Bloor-Danforth Subway.

to the Minister for his approval a by-law setting out the estimated expenditure for the calendar year on subway right-of-way construction carried out on or after the 1st day of April, 1964.

- (3) No grant shall be made for an expenditure unless ^{Approval required} the expenditure has been set out in a by-law approved by the Minister under subsection 2.
- (4) Where the Minister has approved a by-law under subsection 2, the Metropolitan Corporation shall ^{Annual statement to Minister} annually, and, with the consent of the Minister, may at any time during the progress of the subway right-of-way construction, submit to the Minister,
 - (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
 - (b) a declaration of the treasurer of the Metropolitan Corporation that the statement is correct;
 - (c) a declaration of the officer of the Metropolitan Corporation or other officer responsible for the subway right-of-way construction that the statement contains only receipts and expenditures for such construction; and
 - (d) a petition, authorized by resolution of the council of the Metropolitan Corporation, for the payment of the grant.
- (5) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of the moneys appropriated therefor by the Legislature of an amount not exceeding $33\frac{1}{3}$ per cent of the expenditure, and in all cases of doubt or dispute the decision of the Minister is final. ^{Power to make grant}

18.—(1) This Act, except section 5, comes into force on ^{Commence-} the day it receives Royal Assent. ^{ment}

(2) Section 5 comes into force on the 1st day of July, 1963. ^{Idem}

19. This Act may be cited as *The Highway Improvement* ^{Short title} *Amendment Act, 1962-63.*

An Act to amend
The Highway Improvement Act

1st Reading

March 28th, 1963

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 131

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Highway Improvement Act

MR. MACNAUGHTON



BILL 131

1962-63

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Highway Improvement Act* is amended by striking out "and description" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 3,
subs. 1,
amended

- (1) Where the Minister desires to acquire for the purposes of this Part jurisdiction and control over Crown lands not under the jurisdiction and control of the Department, he shall deposit with the Minister of Lands and Forests and register in the proper registry or land titles office a plan of the land to be known as and marked "Crown Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the land is under the jurisdiction and control of the Department for the purposes of this Part. Crown
Land
Plans

2. Subsection 1 of section 6 of *The Highway Improvement Act* is amended by striking out "and description" in the third line, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 6,
subs. 1,
amended

- (1) Where the Minister desires to acquire an existing highway, he shall register in the proper registry or land titles office a plan of the highway to be known as and marked "Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the highway vests in the Crown, and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned. Procedure
for
acquiring
a highway
Assumption
Plan

R.S.O. 1960,
c. 171, s. 7,
subs. 2,
amended

3.—(1) Subsection 2 of section 7 of *The Highway Improvement Act* is amended by striking out “and description” in the third line, so that the subsection shall read as follows:

Procedure
for expro-
priation
of land

Land Plan

- (2) Where the Minister desires to expropriate land under this section, he shall register in the proper registry or land titles office a plan of the land to be known as and marked “Land Plan” and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the land vests in the Crown.

R.S.O. 1960,
c. 171, s. 7,
subs. 3,
amended

(2) Subsection 3 of the said section 7 is amended by striking out “and description” in the third line, so that the subsection shall read as follows:

Where land
temporarily
required,
etc.

- (3) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan so registered shall indicate, by appropriate words thereon, that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the Crown.

R.S.O. 1960,
c. 171, s. 22,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 22 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Connecting
links,
extensions

- (1) Where it is deemed by the Minister that a highway,
- (a) that is under the jurisdiction and control of a city, town or village; or
 - (b) that is in a city, town or village and under the control of the county; or
 - (c) that was under the jurisdiction of the Department but has reverted or been transferred to a township and is an essential and direct connection between parts of the King's Highway,

should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Lieutenant Governor in Council may designate such highway as a connecting link or as an extension, as the case may be, to be

constructed by the city, town, village, township or county, and the council of the city, town, village, township or county may pass by-laws for issuing and may issue debentures under *The Municipal Act*,^{R.S.O. 1960, c. 249} payable in such period as the Minister approves but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of the highway, but, in the case of a city, town, village or township, it is not necessary for the council to obtain the assent of the electors to any such by-laws for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

(2) Subsection 2 of the said section 22 is amended by striking out "or village" in the first line and inserting in lieu thereof "village or township", so that the subsection shall read as follows:^{R.S.O. 1960, c. 171, s. 22, subs. 2, amended}

(2) In the case of a city, town, village or township, work required to be constructed under subsection 1 may be undertaken as a local improvement under *The Local Improvement Act*, and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper.^{Work as local improvement R.S.O. 1960, c. 223}

(3) Subsection 3 of the said section 22 is amended by inserting after "village" in the second line "or township", so that the subsection shall read as follows:^{R.S.O. 1960, c. 171, s. 22, subs. 3, amended}

(3) The Minister and the council of a town, not being a separated town, or of a village or township may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of a highway designated under subsection 1.^{Construction and maintenance agreements, towns, villages, townships}

(4) Subsection 6 of the said section 22, as amended by section 1 of *The Highway Improvement Amendment Act, 1960-61*, is repealed and the following substituted therefor:^{R.S.O. 1960, c. 171, s. 22, subs. 6, re-enacted}

(6) An agreement under subsection 3, 4 or 5 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, as the case may be, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,^{Apportionment of cost of work}

- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway having a width of not more than 48 feet; and
- (c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet.

R.S.O. 1960,
c. 171, s. 22,
subs. 7,
repealed

(5) Subsection 7 of the said section 22, as amended by section 2 of *The Highway Improvement Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 171, s. 22,
subs. 8,
re-enacted

(6) Subsection 8 of the said section 22 is repealed and the following substituted therefor:

Idem,
additional
roadways
and widths

- (8) An agreement under subsection 3, 4 or 5 may provide for the construction and maintenance or for the construction, as the case may be, of roadways or additional widths of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway, and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction and maintenance of the work;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction and maintenance of the work; and
- (c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of the work.

(7) Subsection 10 of the said section 22 is amended by inserting after "village" in the fourth line "township", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 22,
subs. 10,
amended

- (10) A highway does not, by reason of its having been constructed or maintained under this section, become the property of the Crown, but every such highway remains under the jurisdiction and control of the city, town, village, township or county, as the case may be. Jurisdiction
and control
unchanged

5. Section 39 of *The Highway Improvement Act* is repealed. R.S.O. 1960,
c. 171, s. 39,
repealed

6. Section 45 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 171, s. 45,
amended

- (3a) Where a county acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system, and subsection 6 does not apply thereto. Status of
land
acquired for
widening
county road

7. Subsection 2 of section 50 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 50,
subs. 2,
amended

- (2) A county may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1. Supple-
mentary
by-law

R.S.O. 1960,
c. 171, s. 51,
subs. 3,
re-enacted

8.—(1) Subsection 3 of section 51 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Contribution
to be
deducted

- (3) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960,
c. 171, s. 51,
amended

(2) The said section 51 is amended by adding thereto the following subsection:

Advance
payments

- (4) Notwithstanding subsection 1 but subject to section 50, the Minister may, in his discretion, direct payment to the county treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

R.S.O. 1960,
c. 171, s. 59,
subs. 5,
amended

9.—(1) Subsection 5 of section 59 of *The Highway Improvement Act* is amended by striking out "or storm" in the fifth line, so that the subsection shall read as follows:

Apportion-
ment of
cost of
construction
of wider
pavements

- (5) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties, but such cost shall not include the cost of curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

R.S.O. 1960,
c. 171, s. 59,
subs. 9,
amended

(2) Subsection 9 of the said section 59 is amended by striking out "or storm" in the seventh line, so that the subsection shall read as follows:

Apportion-
ment of
cost of
maintenance

- (9) In the case of the maintenance of a pavement more than twenty-two feet in width, the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be

borne by the respective parties, but such cost shall not include the cost of maintaining curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

(3) Subsection 13 of the said section 59 is amended by striking out "or storm" in the thirteenth line, so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 59, subs. 13, amended

- (13) Where the Minister has approved an agreement under this section, the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures on roads under the jurisdiction of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary sewer or drain shall not be included in such statement. Subsidy to local municipality

10.—(1) Subsection 12 of section 60 of *The Highway Improvement Act* is amended by striking out "or storm" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 60, subs. 12, amended

- (12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. Total cost, what to include

(2) Subsection 15 of the said section 60 is amended by striking out "or storm" in the eleventh line, so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 60, subs. 15, amended

- (15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant Subsidy to urban municipality

payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part X, but the cost of constructing or maintaining any sanitary sewer or drain shall not be included in such statement.

R.S.O. 1960,
c. 171, s. 66,
subs. 2,
amended

11. Subsection 2 of section 66 of *The Highway Improvement Act* is amended by striking out "and description" in the first line and in the fourth line, so that the subsection shall read as follows:

Plan and
registration

- (2) The plan of the land to be expropriated shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the registration of the plan in the proper registry or land titles office the land is vested in the county.

R.S.O. 1960,
c. 171, s. 76,
subs. 3,
amended

12.—(1) Subsection 3 of section 76 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows:

Supple-
mentary
by-law

- (3) A township may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 2.

R.S.O. 1960,
c. 171, s. 76,
amended

(2) The said section 76 is amended by adding thereto the following subsection:

Connecting
link
expenditures,
when to be
and not to
be included
in statement

- (3a) Where the construction or maintenance of a road in a township that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 22, the expenditure made by the township on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part.

R.S.O. 1960,
c. 171, s. 79,
amended

13. Section 79 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Advance
payments

- (5) Notwithstanding subsection 1 but subject to subsection 2 of section 76, the Minister may, in his

discretion, direct payment to the township treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

14. Subsection 2 of section 82 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 82,
subs. 2,
amended

- (2) A city, town or village may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 1. Supple-
mentary
by-law

15. Section 83 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 171, s. 83,
amended

- (5) Notwithstanding subsection 1 but subject to section 82, the Minister may, in his discretion, direct payment to the treasurer of the municipality under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent, Advance
payments

- (a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

16.—(1) Item 5 of section 84 of *The Highway Improvement Act* is amended by inserting after "than" in the second line "sanitary", so that the item shall read as follows: R.S.O. 1960,
c. 171, s. 84,
item 5,
amended

- 5. Constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a road.

R.S.O. 1960,
c. 171, s. 84,
item 7,
amended

(2) Item 7 of the said section 84 is amended by striking out "other than sewers" in the third line, so that the item shall read as follows:

7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor.

R.S.O. 1960,
c. 171,
amended

17. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART XII-A

SUBWAY CONSTRUCTION

Interpre-
tation

91a.—(1) In this section,

- (a) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;
- (b) "subway" means that part of the rapid transit system of the Toronto Transit Commission known as the Bloor-Danforth Subway;
- (c) "subway right-of-way construction" means,
 - (i) clearing the land for the subway of obstructions,
 - (ii) taking up, removing or changing the location of public utilities,
 - (iii) constructing tunnels, bridges, culverts or other structures incidental to the subway right-of-way construction, except sanitary sewers,
 - (iv) constructing a base for the subway, including the installing of under-drainage therefor, other than sanitary sewers, and
 - (v) such other work relating to the construction of the subway as the Minister may approve.

Submission
of by-law
covering
expenditure

- (2) On or before the 31st day of March in any year, and, with the consent of the Minister, at any time during a year, the Metropolitan Corporation may submit

to the Minister for his approval a by-law setting out the estimated expenditure for the calendar year on subway right-of-way construction carried out on or after the 1st day of April, 1964.

- (3) No grant shall be made for an expenditure unless ^{Approval required} the expenditure has been set out in a by-law approved by the Minister under subsection 2.
- (4) Where the Minister has approved a by-law under ^{Annual statement to Minister} subsection 2, the Metropolitan Corporation shall annually, and, with the consent of the Minister, may at any time during the progress of the subway right-of-way construction, submit to the Minister,
 - (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
 - (b) a declaration of the treasurer of the Metropolitan Corporation that the statement is correct;
 - (c) a declaration of the officer of the Metropolitan Corporation or other officer responsible for the subway right-of-way construction that the statement contains only receipts and expenditures for such construction; and
 - (d) a petition, authorized by resolution of the council of the Metropolitan Corporation, for the payment of the grant.
- (5) Upon receipt of the statement, declarations and ^{Power to make grant} petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of the moneys appropriated therefor by the Legislature of an amount not exceeding $33\frac{1}{3}$ per cent of the expenditure, and in all cases of doubt or dispute the decision of the Minister is final.

18.—(1) This Act, except section 5, comes into force on ^{Commencement} the day it receives Royal Assent.

(2) Section 5 comes into force on the 1st day of July, 1963. ^{Idem}

19. This Act may be cited as *The Highway Improvement* ^{Short title} *Amendment Act, 1962-63.*

An Act to amend
The Highway Improvement Act

1st Reading

March 28th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. MACNAUGHTON

BILL 132

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Labour Relations Act

MR. ROWNTREE

EXPLANATORY NOTE

The purpose of this Bill is to provide for the continuation of bargaining rights of a trade union where a business is sold and to enable the Ontario Labour Relations Board to determine which trade union, if any, is the bargaining agent where the employees of two or more businesses are intermingled.

BILL 132

1962-63

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 202,
amended

47a.—(1) In this section,

Interpre-
tation

(a) “business” includes a part or parts thereof;

(b) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

(2) Where an employer who is bound by or is a party to a collective agreement with a trade union or on behalf of whose employees a trade union has been certified as bargaining agent or has given or is entitled to give notice under section 11 or 40 sells his business, the trade union continues, until the Board otherwise directs, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11. Successor
employer

(3) Where a business was sold to a person and a trade union was the bargaining agent of any of the employees in such business or a trade union is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and, Powers of
Board

(a) any question arises as to what constitutes the like bargaining unit referred to in subsection 2; or

(b) any person or trade union claims that, by virtue of the operation of subsection 2, a conflict exists between the bargaining rights of the trade union that represented the employees of the predecessor employer and the trade union that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person or trade union concerned,

(c) define the composition of the like bargaining unit referred to in subsection 2 with such modification, if any, as the Board deems necessary; and

(d) amend, to such extent as the Board deems necessary, any bargaining unit in any certificate issued to any other union or any bargaining unit defined in any collective agreement.

Idem

(4) The Board may, upon the application of any person or trade union concerned made within thirty days after the trade union has given a notice under subsection 2, terminate the bargaining rights of the trade union that has given notice if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

(5) Where a business was sold to a person who carries on one or more other businesses and a trade union is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person or trade union concerned,

(a) determine whether the employees concerned constitute one or more appropriate bargaining units;

(b) declare which trade union or trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

- (c) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or any bargaining unit defined in any collective agreement.
- (6) Where a trade union is declared to be the bargaining agent under subsection 5, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11. Notice to bargain
- (7) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (8) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union, to bargain with that trade union concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Where employer not required to bargain
- (9) For the purposes of sections 5, 43, 46 and 96, a notice given by a trade union under subsection 2 or a declaration made by the Board under subsection 5 has the same effect as a certification under section 7. Effect of notice or declaration

2. Section 4 of *The Labour Relations Amendment Act*, 1961-62, c. 68, s. 4, 1961-62 is repealed. 1961-62, c. 68, s. 4, repealed

3. This Act may be cited as *The Labour Relations Amendment Act*, 1962-63. Short title

An Act to amend The Labour Relations Act

1st Reading

March 28th, 1963

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 132

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Labour Relations Act

MR. ROWNTREE

BILL 132

1962-63

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 202,
amended

47a.—(1) In this section,

Interpre-
tation

(a) “business” includes a part or parts thereof;

(b) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

(2) Where an employer who is bound by or is a party to a collective agreement with a trade union or on behalf of whose employees a trade union has been certified as bargaining agent or has given or is entitled to give notice under section 11 or 40 sells his business, the trade union continues, until the Board otherwise directs, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11. Successor
employer

(3) Where a business was sold to a person and a trade union was the bargaining agent of any of the employees in such business or a trade union is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and, Powers of
Board

- (a) any question arises as to what constitutes the like bargaining unit referred to in subsection 2; or
- (b) any person or trade union claims that, by virtue of the operation of subsection 2, a conflict exists between the bargaining rights of the trade union that represented the employees of the predecessor employer and the trade union that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person or trade union concerned,

- (c) define the composition of the like bargaining unit referred to in subsection 2 with such modification, if any, as the Board deems necessary; and
- (d) amend, to such extent as the Board deems necessary, any bargaining unit in any certificate issued to any other union or any bargaining unit defined in any collective agreement.

Idem

- (4) The Board may, upon the application of any person or trade union concerned made within thirty days after the trade union has given a notice under subsection 2, terminate the bargaining rights of the trade union that has given notice if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

- (5) Where a business was sold to a person who carries on one or more other businesses and a trade union is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person or trade union concerned,
 - (a) determine whether the employees concerned constitute one or more appropriate bargaining units;
 - (b) declare which trade union or trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

(c) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or any bargaining unit defined in any collective agreement.

- (6) Where a trade union is declared to be the bargaining agent under subsection 5, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11. Notice to bargain
- (7) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (8) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union, to bargain with that trade union concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Where employer not required to bargain
- (9) For the purposes of sections 5, 43, 46 and 96, a notice given by a trade union under subsection 2 or a declaration made by the Board under subsection 5 has the same effect as a certification under section 7. Effect of notice or declaration

2. Section 4 of *The Labour Relations Amendment Act, 1961-62*, 1961-62, c. 68, s. 4, repealed is repealed.

3. This Act may be cited as *The Labour Relations Amendment Act, 1962-63*. Short title

An Act to amend The Labour Relations Act

1st Reading

March 28th, 1963

2nd Reading

April 1st, 1963

3rd Reading

April 26th, 1963

MR. ROWNTREE

BILL 133

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Wages Act

MR. ROWNTREE

EXPLANATORY NOTE

Self-explanatory.

BILL 133

1962-63

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Wages Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 421,
amended

10.—(1) Every employer shall furnish to every employee Statement
of wages at the time wages are paid to the employee a statement in writing setting forth,

- (a) the period of time or the work for which the wages are being paid;
- (b) the rate of the wages to which the employee is entitled;
- (c) the amount of the wages to which the employee is entitled;
- (d) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made;
- (e) any living allowance or other payment to which the employee is entitled; and
- (f) the amount of money being paid to the employee.

(2) Every employer who fails to comply with subsection 1 or who furnishes any employee with a false statement under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Offence

2. This Act comes into force on the 1st day of June, 1963. Commence-
ment

3. This Act may be cited as *The Wages Amendment Act*, Short title
1962-63.

An Act to amend The Wages Act

1st Reading

March 28th, 1963

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 133

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Wages Act

MR. ROWNTREE

(Reprinted as amended by the Committee on Labour)

EXPLANATORY NOTE

Self-explanatory.

BILL 133

1962-63

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Wages Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 421,
amended

10.—(1) Every employer shall furnish to every employee Statement
of wages at the time wages are paid to the employee a statement in writing setting forth,

- (a) the period of time or the work for which the wages are being paid;
- (b) the rate of the wages to which the employee is entitled;
- (c) the amount of the wages to which the employee is entitled;
- (d) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made;
- (e) any living allowance or other payment to which the employee is entitled; and
- (f) the net amount of money being paid to the employee.

(2) Every employer who fails to comply with sub-Offence section 1 or who furnishes any employee with a false statement under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

2. This Act comes into force on the 1st day of June, 1963. Commence-
ment

3. This Act may be cited as *The Wages Amendment Act*, Short title
1962-63.

An Act to amend The Wages Act

1st Reading

March 28th, 1963

2nd Reading

April 1st, 1963

3rd Reading

MR. ROWNTREE

(*Reprinted as amended by the
Committee on Labour*)

BILL 133

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Wages Act

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

Self-explanatory.

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Wages Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 421,
amended

10.—(1) Every employer shall furnish to every employee Statement
of wages at the time wages are paid to the employee a statement in writing setting forth,

(a) the period of time or the work for which the wages are being paid;

(b) the rate of the wages to which the employee is entitled unless such information is furnished to the employee in some other manner;

(c) the amount of the wages to which the employee is entitled;

(d) the amount of each deduction from the wages of the employee that is not authorized by the employee or required by law, and the purpose for which each deduction is made;

(e) any living allowance or other payment to which the employee is entitled; and

(f) the net amount of money being paid to the employee.

(2) Every employer who fails to comply with subsection 1 or who furnishes any employee with a false statement under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Commence-
ment

2. This Act comes into force on the 1st day of June, 1963.

Short title

3. This Act may be cited as *The Wages Amendment Act, 1962-63*.

An Act to amend The Wages Act

1st Reading

March 28th, 1963

2nd Reading

April 1st, 1963

3rd Reading

MR. ROWNTREE

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 133

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Wages Act

MR. ROWNTREE

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Wages Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 421
amended

10.—(1) Every employer shall furnish to every employee at the time wages are paid to the employee a statement in writing setting forth, Statement
of wages

- (a) the period of time or the work for which the wages are being paid;
- (b) the rate of the wages to which the employee is entitled unless such information is furnished to the employee in some other manner;
- (c) the amount of the wages to which the employee is entitled;
- (d) the amount of each deduction from the wages of the employee that is not authorized by the employee or that is not required by law, and the purpose for which each deduction is made;
- (e) any living allowance or other payment to which the employee is entitled; and
- (f) the net amount of money being paid to the employee.

(2) Every employer who fails to comply with subsection 1 or who furnishes any employee with a false statement under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Commence-
ment

2. This Act comes into force on the 1st day of June, 1963.

Short title

3. This Act may be cited as *The Wages Amendment Act, 1962-63*.

An Act to amend The Wages Act

1st Reading

March 28th, 1963

2nd Reading

April 1st, 1963

3rd Reading

April 26th, 1963

MR. ROWNTREE

BILL 134

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Insurance Act

MR. CASS

EXPLANATORY NOTES

SECTION 1. The conditions of a licence to carry on automobile insurance in Ontario are extended to require the insurer to defend a claim in any province and meet the minimum liability limits of that province.

This amendment, when proclaimed in force, will facilitate the issue of uniform automobile liability insurance cards across Canada.

SECTION 2. The amendments to section 76 will require adequate reserves for non-cancellable policies.

Subsection 1. Self-explanatory.

BILL 134

1962-63

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 190, s. 25,
re-enacted

25.—(1) A licence to carry on automobile insurance in Ontario is subject to the following conditions: Conditions
of licence
to carry on
automobile
insurance

1. In any action in Ontario against the licensed insurer, or its insured, arising out of an automobile accident in Ontario, the insurer shall appear and shall not set up any defence to a claim under a policy issued out of Ontario, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in Ontario.
2. In any action in another province or territory of Canada against the licensed insurer, or its insured, arising out of an automobile accident in that province or territory, the insurer shall appear and shall not set up any defence to a claim under a motor vehicle liability policy issued in Ontario, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in that province or territory.
- (2) The licence of an insurer who commits a breach of either of the conditions of licence set out in subsection 1 may be cancelled. Breach of
condition

2.—(1) Subsection 5 of section 76 of *The Insurance Act* is amended by adding at the commencement thereof "Subject to subsection 5a", so that the subsection shall read as follows: R.S.O. 1960,
c. 190 s. 76,
subs. 5,
amended

Unearned
premiums
a liability

- (5) Subject to subsection 5a, in the case of all classes of insurance, other than life insurance, and in the case of all insurers, the statement shall show as a liability of the insurer 80 per cent of the actual portions of unearned premiums on all business in force on the 31st day of December then last past or 80 per cent of 50 per cent of the premiums written in its policies and received in respect of contracts having one year or less to run and *pro rata* on those for longer periods.

R.S.O. 1960,
c. 190, s. 76,
amended

- (2) The said section 76 is amended by adding thereto the following subsection:

Reserve
liability
on non-
cancellable
accident
and sickness
insurance

- (5a) In the case of non-cancellable accident and sickness insurance, the statement shall show as a liability of the insurer a reserve computed on such bases and in accordance with such methods as will place an adequate value on the liabilities thereunder, but in no case shall the value placed upon the benefits under any policy be less than the value placed upon the future premiums.

R.S.O. 1960,
c. 190, s. 76,
subs. 6,
amended

- (3) Subsection 6 of the said section 76 is amended by striking out "of policies of life insurance" in the fourth line, so that the subsection shall read as follows:

Life
insurers

- (6) In the case of insurers transacting life insurance, the statement shall show as a liability the valuation of outstanding contracts of insurance according to the standard for valuation prescribed by section 80, or such higher standard as the insurer, with the approval of the Superintendent, adopts.

R.S.O. 1960,
c. 190, s. 79,
re-enacted

3. Section 79 of *The Insurance Act* is repealed and the following substituted therefor:

Powers of
insurer to
hold real
estate

- 79.—(1) A licensed insurer, and, subject to its constitution and rules, a licensed fraternal or mutual benefit society or any branch or lodge thereof, may acquire and hold absolutely for its own use and benefit such real estate or leaseholds,

(a) as are necessary for the transaction of its business; and

(b) as are *bona fide* mortgaged to it by way of security or are acquired by it by foreclosure or in satisfaction of a debt,

Subsection 2. Non-cancellable accident and sickness policies necessitate a greater reserve than the unearned premium reserve now required.

Subsection 3. This amendment is complementary to the amendments being made to section 80 of the Act by section 4 of this Bill.

SECTION 3. The revision of section 79 is intended to clarify its meaning. No change in principle.

and may sell, mortgage, lease or otherwise dispose of the same, but real estate or leaseholds acquired by foreclosure or in satisfaction of a debt shall be sold or disposed of within seven years after they have been so acquired.

- (2) Except in the case of a fraternal or mutual benefit society or any branch or lodge thereof, a licensed insurer may, ^{Additional real estate}

(a) acquire and hold real estate or leaseholds in addition to those provided for by subsections 1 and 6; and

(b) acquire or construct and hold a building larger than is required for the transaction of its business, and may lease any part of the building not so required,

upon complying with and subject to *The Mortmain and Charitable Uses Act*, if the insurer is subject thereto, in respect of the additional real estate or the part of the building not so required. ^{R.S.O. 1960, c. 246}

- (3) A licensed fraternal or mutual benefit society or any branch or lodge thereof may, subject to its constitution or rules and when so authorized by the Lieutenant Governor in Council, acquire or construct and hold a building larger than is required for the transaction of its business, and may lease any part of the building not so required. ^{Powers of societies in office building}

- (4) Any real estate or leaseholds acquired by foreclosure or in satisfaction of a debt that have been held by the insurer for a longer period than seven years without being disposed of shall, unless held pursuant to any other provision of this section, be forfeited to Her Majesty for the use of Ontario. ^{Forfeiture}

- (5) No forfeiture under subsection 4 shall take effect until the expiration of at least six calendar months after notice in writing to the insurer by the Minister of the intention of Her Majesty to claim the forfeiture, but the insurer may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of the property free from liability to forfeiture. ^{Idem}

- (6) A licensed insurer that has invested its funds in such real estate or leaseholds as are referred to in subsections 2, 4 and 6 of section 208 of *The Corporations Act* may acquire and hold such property absolutely for its own use and benefit. ^{Investments in real estate R.S.O. 1960, c. 71}

Rights
under
section are
additional

R.S.O. 1960,
c. 246

- (7) Except where otherwise provided, every right, power and authority granted by this section is in addition to any right, power and authority granted by a licence issued under *The Mortmain and Charitable Uses Act* or any other Act.

R.S.O. 1960,
c. 190, s. 80,
re-enacted

4. Section 80 of *The Insurance Act* is repealed and the following substituted therefor:

Valuation
of contracts
of insurance

- 80.—(1) The valuation of contracts of insurance issued by insurers incorporated and licensed under the law of Ontario to transact life insurance, except contracts of fraternal societies licensed under this Act, shall include a reserve for all unmatured obligations guaranteed under the terms of its policies dependent on life, disability, sickness, accident or any other contingency or on a term certain, and shall also include a reserve for profits ascertained and apportioned for future distribution.

Methods of
computation
for life
policies

- (2) In computing the reserve for all unmatured obligations guaranteed under the terms of the policies dependent on life contingencies only, the valuation shall be made in accordance with the following prescriptions:

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D.
2. The tables of mortality used shall be the tables prescribed in Schedule D, subject to any modification in the age that the company deems appropriate and necessary to secure the proper valuation of a particular class of policies and that has the effect of increasing the reserves, but, if it appears to a company that the reserves for a particular class of policies cannot be appropriately computed by any table of mortality prescribed by Schedule D or by any such table modified as aforesaid, the company shall apply to the Superintendent for approval of the table the company deems most appropriate for the computation, and the Superintendent may grant such approval and revoke it at any time.
3. The method of valuation shall be that specified in Schedule D or any adaptation thereof approved by the Superintendent, or any other method the company deems appropriate, but

SECTION 4. The present section 80 prescribes the mortality tables and the methods of valuation of life insurance contracts; these tables and methods are no longer in general use. The revision will allow more modern mortality tables to be used, and prescribes a method of valuation that is now generally applicable to federally-registered companies.

the method used shall be such that the reserve calculated in accordance therewith will not be less at any duration than the reserve computed in accordance with the valuation provisions of Schedule D, and the method used shall make adequate provision for the guaranteed values at the subsequent durations of the policy according to the rate of interest and the table of mortality used in the valuation.

4. The reserve in the first policy year need not in any event exceed the reserve computed in accordance with the rate of interest and table of mortality used in the valuation and the method of valuation as specified in Schedule D.
- (3) In computing the reserve for all unmatu-
 rations that are guaranteed under the terms of, or that arise out of policies dependent on, contingencies other than life contingencies, the bases and methods of valuation employed by the company shall be such as to place an adequate value on the liabilities thereunder and shall be such that the value of the benefits under every policy shall in no case be less than the value placed upon the future premiums. Computation for other than life policies
- (4) There shall be included in the annual statement a certificate by the actuary of the company, or by the actuary responsible for the valuation if the company has no actuary, to the effect that the reserves shown in the valuation summary are not less than the reserves required by this section, and in addition that in his opinion the reserves make a good and sufficient provision for all unmatu-
 rations of the company guaranteed under the terms of its policies. Certificate of actuary
- (5) Where the Superintendent approves of a table of mortality under subsection 2, he shall include in his annual report to the Minister information concerning the origin, characteristics of the table and the circumstances in which it may be used, and, when the Superintendent revokes any such approval, he shall include a statement as to the circumstances of the revocation. Report on approved mortality tables
- (6) No insurer shall issue any policy that does not appear to be self-supporting upon reasonable assumptions as to interest, mortality and expenses. Contracts must be self-supporting

Valuation
of fraternal
society
contracts

- (7) Where the contracts of a fraternal society are re-insured by a licensed insurer other than a fraternal society, the reinsurer may, with the approval of the Superintendent, value such contracts on any appropriate table of mortality specified in Schedule D with interest at 4 per cent per annum.

R.S.O. 1960,
c. 190,
amended

5. *The Insurance Act* is amended by adding thereto the following section:

Separate
accounts

- 80b. Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

R.S.O. 1960,
c. 190, s. 94,
subs. 1,
re-enacted

6. Subsection 1 of section 94 of *The Insurance Act* is repealed and the following substituted therefor:

Contents
of policy

- (1) Every policy shall contain the name of the insurer, the name of the insured, the name of the person or persons to whom the insurance money is payable, the amount, or the method of determining the amount, of the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue, the date upon which the insurance takes effect and the date it terminates or the method by which the latter is fixed or to be fixed.

R.S.O. 1960,
c. 190, s. 119,
subs. 2,
amended

7. Subsection 2 of section 119 of *The Insurance Act* is amended by adding at the end thereof "but, in the case of property insured against fire, the policy may include property damage insurance and theft insurance", so that the subsection shall read as follows:

Insurance
on premium
note plan

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, live stock and weather insurance, but, in the case of property insured against fire, the policy may include property damage insurance and theft insurance.

R.S.O. 1960,
c. 190,
amended

8. *The Insurance Act* is amended by adding thereto the following schedule:

SCHEDULE D

MINIMUM STANDARDS OF VALUATION OF LIFE INSURANCE CONTRACTS

1. As respects benefits depending upon life contingencies only in or arising out of policies of life insurance, other than industrial policies and excluding life annuity settlements, the bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding $3\frac{1}{2}$ per cent per annum and one of the tables of mortality specified below, or any other table that is approved by the Superintendent.

SECTION 5. Self-explanatory.

SECTION 6. Provision is made for policies where the amount of the premium is unknown at the time the contract is made and also for continuing policies where there is no fixed date of termination.

SECTION 7. This amendment will allow farm mutual fire insurance companies to insure property against theft and damage when the property is insured against fire.

SECTION 8. Schedule D sets out the mortality tables that may be used and the bases and methods of computation of reserves for different forms of life insurance contracts. These new tables conform to the Third Schedule of the *Canadian and British Insurance Companies Act* used by most Canadian companies.

Tables of Mortality

- (i) American Experience Table, Am. Exp.
- (ii) Institute of Actuaries of Great Britain, H^m
- (iii) British Offices Life Tables, 1893, O^m(5)
- (iv) Canadian Men Table, C^m(5)
- (v) American Men Table, AM(5)
- (vi) Mortality of Assured Lives, A 1924-29
- (vii) Commissioners 1941 Standard Ordinary Mortality Table, 1941 CSO
- (viii) Commissioners 1958 Standard Ordinary Mortality Table, 1958 CSO

The value of the policy as of any date after issue shall be the difference between the then value of the sum assured thereunder (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as at the date of valuation), and the then value of the valuation premiums (as hereinafter defined) assumed to be payable on each anniversary of the policy following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy does not exceed the whole life net level premium for a like amount of whole life insurance, the valuation premium shall be the net level premium for a like policy as of an age one year greater than the age at entry assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy exceeds the net level premium payable throughout life for a like amount of whole life insurance, the valuation premium shall be obtained by adding to each net level annual premium, excluding the first, such an amount, assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued, as is equal in value as of the date of issue of the policy to the difference between the net level premiums payable throughout life for a whole life policy and the one-year term premium for, in each case, a policy of like amount and of the same age at entry as the policy to be valued.

2. As respects benefits depending upon life contingencies only in or arising out of industrial life insurance policies, excluding life annuity settlements, the basis of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding $3\frac{1}{2}$ per cent per annum and one of the tables of mortality specified below, or any other table that is approved by the Superintendent.

Tables of Mortality

- (i) Any of the tables named under paragraph 1 above.
- (ii) The Standard Industrial Table.
- (iii) 1941 Standard Industrial Mortality Table, 1941 SI.

No reserve shall be held at any valuation within the first year after issue of any policy. In valuations thereafter the insurance risks of the first policy year shall be ignored, and, for valuation purposes, the date of issue of the policy shall be assumed to be one year after the actual date of issue, the age at issue shall be assumed to be one year greater than the actual age at issue, and the premium terms shall be assumed to commence as of the assumed date of issue and to be co-terminous with the premium term stated in the policy to be valued.

The valuation premium shall be such a level premium as of the assumed age at issue, payable for the assumed premium term, as is equal in the then present value to the insurance risks incurred by the Company as from the attainment of the assumed age at issue.

In valuations made as of any date after the attainment of the assumed age at issue, the value of the policy shall be the difference between the then value of the sums assured (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as of the date of valuation) and the then value of the valuation premium assumed to be payable following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy.

If the terms of any particular class or group of policies are such that the above method of valuation appears to be inapplicable or inappropriate, adaptations in the above method may be made, subject to the approval of the Superintendent.

3. As respects immediate or deferred life annuities, including life annuity settlements (other than disability annuities) arising out of policies of life insurance, the bases of valuation shall be an assumed rate of interest not exceeding 4 per cent per annum and one of the tables of mortality specified below, male or female, according to the sex of the nominee; or any other table of mortality that is approved by the Superintendent.

Tables of Mortality

- (i) Mortality of Annuitants, 1900-1920, a(f) and a(m).
- (ii) 1937 Standard Annuity Table.
- (iii) The a-1949 Table (Annuity Table for 1949).
- (iv) The a(55) Tables for Annuitants.

In the valuation of deferred annuities, the method of valuation shall be the net level premium method, subject to such adaptations as the Superintendent deems appropriate in any case where the premium may not be uniform throughout the premium-paying period.

4. As respects future payments dependent on a term certain only, including term-certain annuities arising out of policies of life insurance, the valuation shall be made at a rate of interest not exceeding 4 per cent per annum, and the method of valuation shall be the net level premium method, subject to such adaptations as the Superintendent deems appropriate in any case where the premium for the policy may not be uniform throughout the premium-paying period.

5. Policies other than those at uniform annual premiums for a uniform amount of insurance throughout shall be valued on bases determined in accordance with the foregoing provisions with such adaptations in the valuation methods as seem to the Superintendent appropriate in the circumstances.

6. Where a policy of life insurance provides for accident or sickness insurance benefits, the Superintendent may prescribe the basis for valuing such benefits.

Commence-
ment

9.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Insurance Amendment Act, 1962-63*.

of the world's best

An Act to amend The Insurance Act

1st Reading

March 28th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 134

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Insurance Act

MR. CASS

BILL 134

1962-63

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 190, s. 25,
re-enacted

25.—(1) A licence to carry on automobile insurance in Ontario is subject to the following conditions: Conditions
of licence
to carry on
automobile
insurance

1. In any action in Ontario against the licensed insurer, or its insured, arising out of an automobile accident in Ontario, the insurer shall appear and shall not set up any defence to a claim under a policy issued out of Ontario, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in Ontario.

2. In any action in another province or territory of Canada against the licensed insurer, or its insured, arising out of an automobile accident in that province or territory, the insurer shall appear and shall not set up any defence to a claim under a motor vehicle liability policy issued in Ontario, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in that province or territory.

(2) The licence of an insurer who commits a breach of either of the conditions of licence set out in subsection 1 may be cancelled. Breach of
condition

2.—(1) Subsection 5 of section 76 of *The Insurance Act* is amended by adding at the commencement thereof "Subject to subsection 5a", so that the subsection shall read as follows: R.S.O. 1960,
c. 190 s. 76,
subs. 5,
amended

Unearned
premiums
a liability

- (5) Subject to subsection 5a, in the case of all classes of insurance, other than life insurance, and in the case of all insurers, the statement shall show as a liability of the insurer 80 per cent of the actual portions of unearned premiums on all business in force on the 31st day of December then last past or 80 per cent of 50 per cent of the premiums written in its policies and received in respect of contracts having one year or less to run and *pro rata* on those for longer periods.

R.S.O. 1960,
c. 190, s. 76,
amended

- (2) The said section 76 is amended by adding thereto the following subsection:

Reserve
liability
on non-
cancellable
accident
and sickness
insurance

- (5a) In the case of non-cancellable accident and sickness insurance, the statement shall show as a liability of the insurer a reserve computed on such bases and in accordance with such methods as will place an adequate value on the liabilities thereunder, but in no case shall the value placed upon the benefits under any policy be less than the value placed upon the future premiums.

R.S.O. 1960,
c. 190, s. 76,
subs. 6,
amended

- (3) Subsection 6 of the said section 76 is amended by striking out "of policies of life insurance" in the fourth line, so that the subsection shall read as follows:

Life
insurers

- (6) In the case of insurers transacting life insurance, the statement shall show as a liability the valuation of outstanding contracts of insurance according to the standard for valuation prescribed by section 80, or such higher standard as the insurer, with the approval of the Superintendent, adopts.

R.S.O. 1960,
c. 190, s. 79,
re-enacted

3. Section 79 of *The Insurance Act* is repealed and the following substituted therefor:

Powers of
insurer to
hold real
estate

- 79.—(1) A licensed insurer, and, subject to its constitution and rules, a licensed fraternal or mutual benefit society or any branch or lodge thereof, may acquire and hold absolutely for its own use and benefit such real estate or leaseholds,

(a) as are necessary for the transaction of its business; and

(b) as are *bona fide* mortgaged to it by way of security or are acquired by it by foreclosure or in satisfaction of a debt,

and may sell, mortgage, lease or otherwise dispose of the same, but real estate or leaseholds acquired by foreclosure or in satisfaction of a debt shall be sold or disposed of within seven years after they have been so acquired.

- (2) Except in the case of a fraternal or mutual benefit society or any branch or lodge thereof, a licensed insurer may, ^{Additional real estate}

(a) acquire and hold real estate or leaseholds in addition to those provided for by subsections 1 and 6; and

(b) acquire or construct and hold a building larger than is required for the transaction of its business, and may lease any part of the building not so required,

upon complying with and subject to *The Mortmain and Charitable Uses Act*, if the insurer is subject thereto, in respect of the additional real estate or the part of the building not so required. ^{R.S.O. 1960, c. 246}

- (3) A licensed fraternal or mutual benefit society or any branch or lodge thereof may, subject to its constitution or rules and when so authorized by the Lieutenant Governor in Council, acquire or construct and hold a building larger than is required for the transaction of its business, and may lease any part of the building not so required. ^{Powers of societies in office building}

- (4) Any real estate or leaseholds acquired by foreclosure or in satisfaction of a debt that have been held by the insurer for a longer period than seven years without being disposed of shall, unless held pursuant to any other provision of this section, be forfeited to Her Majesty for the use of Ontario. ^{Forfeiture}

- (5) No forfeiture under subsection 4 shall take effect until the expiration of at least six calendar months after notice in writing to the insurer by the Minister of the intention of Her Majesty to claim the forfeiture, but the insurer may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of the property free from liability to forfeiture. ^{Idem}

- (6) A licensed insurer that has invested its funds in such real estate or leaseholds as are referred to in subsections 2, 4 and 6 of section 208 of *The Corporations Act* may acquire and hold such property absolutely for its own use and benefit. ^{Investments in real estate R.S.O. 1960, c. 71}

Rights
under
section are
additional

R.S.O. 1960,
c. 246

- (7) Except where otherwise provided, every right, power and authority granted by this section is in addition to any right, power and authority granted by a licence issued under *The Mortmain and Charitable Uses Act* or any other Act.

R.S.O. 1960,
c. 190, s. 80,
re-enacted

4. Section 80 of *The Insurance Act* is repealed and the following substituted therefor:

Valuation
of contracts
of insurance

80.—(1) The valuation of contracts of insurance issued by insurers incorporated and licensed under the law of Ontario to transact life insurance, except contracts of fraternal societies licensed under this Act, shall include a reserve for all unmatured obligations guaranteed under the terms of its policies dependent on life, disability, sickness, accident or any other contingency or on a term certain, and shall also include a reserve for profits ascertained and apportioned for future distribution.

Methods of
computation
for life
policies

(2) In computing the reserve for all unmatured obligations guaranteed under the terms of the policies dependent on life contingencies only, the valuation shall be made in accordance with the following prescriptions:

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D.
2. The tables of mortality used shall be the tables prescribed in Schedule D, subject to any modification in the age that the company deems appropriate and necessary to secure the proper valuation of a particular class of policies and that has the effect of increasing the reserves, but, if it appears to a company that the reserves for a particular class of policies cannot be appropriately computed by any table of mortality prescribed by Schedule D or by any such table modified as aforesaid, the company shall apply to the Superintendent for approval of the table the company deems most appropriate for the computation, and the Superintendent may grant such approval and revoke it at any time.
3. The method of valuation shall be that specified in Schedule D or any adaptation thereof approved by the Superintendent, or any other method the company deems appropriate, but

the method used shall be such that the reserve calculated in accordance therewith will not be less at any duration than the reserve computed in accordance with the valuation provisions of Schedule D, and the method used shall make adequate provision for the guaranteed values at the subsequent durations of the policy according to the rate of interest and the table of mortality used in the valuation.

4. The reserve in the first policy year need not in any event exceed the reserve computed in accordance with the rate of interest and table of mortality used in the valuation and the method of valuation as specified in Schedule D.
- (3) In computing the reserve for all unmatured obligations that are guaranteed under the terms of, or that arise out of policies dependent on, contingencies other than life contingencies, the bases and methods of valuation employed by the company shall be such as to place an adequate value on the liabilities thereunder and shall be such that the value of the benefits under every policy shall in no case be less than the value placed upon the future premiums. Computation for other than life policies
- (4) There shall be included in the annual statement a certificate by the actuary of the company, or by the actuary responsible for the valuation if the company has no actuary, to the effect that the reserves shown in the valuation summary are not less than the reserves required by this section, and in addition that in his opinion the reserves make a good and sufficient provision for all unmatured obligations of the company guaranteed under the terms of its policies. Certificate of actuary
- (5) Where the Superintendent approves of a table of mortality under subsection 2, he shall include in his annual report to the Minister information concerning the origin, characteristics of the table and the circumstances in which it may be used, and, when the Superintendent revokes any such approval, he shall include a statement as to the circumstances of the revocation. Report on approved mortality tables
- (6) No insurer shall issue any policy that does not appear to be self-supporting upon reasonable assumptions as to interest, mortality and expenses. Contracts must be self-supporting

Valuation
of fraternal
society
contracts

- (7) Where the contracts of a fraternal society are re-insured by a licensed insurer other than a fraternal society, the reinsurer may, with the approval of the Superintendent, value such contracts on any appropriate table of mortality specified in Schedule D with interest at 4 per cent per annum.

R.S.O. 1960,
c. 190,
amended

- 5.** *The Insurance Act* is amended by adding thereto the following section:

Separate
accounts

- 80b. Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

R.S.O. 1960,
c. 190, s. 94,
subs. 1,
re-enacted

- 6.** Subsection 1 of section 94 of *The Insurance Act* is repealed and the following substituted therefor:

Contents
of policy

- (1) Every policy shall contain the name of the insurer, the name of the insured, the name of the person or persons to whom the insurance money is payable, the amount, or the method of determining the amount, of the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue, the date upon which the insurance takes effect and the date it terminates or the method by which the latter is fixed or to be fixed.

R.S.O. 1960,
c. 190, s. 119,
subs. 2,
amended

- 7.** Subsection 2 of section 119 of *The Insurance Act* is amended by adding at the end thereof "but, in the case of property insured against fire, the policy may include property damage insurance and theft insurance", so that the subsection shall read as follows:

Insurance
on premium
note plan

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, live stock and weather insurance, but, in the case of property insured against fire, the policy may include property damage insurance and theft insurance.

R.S.O. 1960,
c. 190,
amended

- 8.** *The Insurance Act* is amended by adding thereto the following schedule:

SCHEDULE D

MINIMUM STANDARDS OF VALUATION OF LIFE INSURANCE CONTRACTS

1. As respects benefits depending upon life contingencies only in or arising out of policies of life insurance, other than industrial policies and excluding life annuity settlements, the bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding $3\frac{1}{2}$ per cent per annum and one of the tables of mortality specified below, or any other table that is approved by the Superintendent.

Tables of Mortality

- (i) American Experience Table, Am. Exp.
- (ii) Institute of Actuaries of Great Britain, H^m
- (iii) British Offices Life Tables, 1893, O^m(5)
- (iv) Canadian Men Table, C^m(5)
- (v) American Men Table, AM(5)
- (vi) Mortality of Assured Lives, A 1924-29
- (vii) Commissioners 1941 Standard Ordinary Mortality Table, 1941 CSO
- (viii) Commissioners 1958 Standard Ordinary Mortality Table, 1958 CSO

The value of the policy as of any date after issue shall be the difference between the then value of the sum assured thereunder (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as at the date of valuation), and the then value of the valuation premiums (as hereinafter defined) assumed to be payable on each anniversary of the policy following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy does not exceed the whole life net level premium for a like amount of whole life insurance, the valuation premium shall be the net level premium for a like policy as of an age one year greater than the age at entry assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy exceeds the net level premium payable throughout life for a like amount of whole life insurance, the valuation premium shall be obtained by adding to each net level annual premium, excluding the first, such an amount, assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued, as is equal in value as of the date of issue of the policy to the difference between the net level premiums payable throughout life for a whole life policy and the one-year term premium for, in each case, a policy of like amount and of the same age at entry as the policy to be valued.

2. As respects benefits depending upon life contingencies only in or arising out of industrial life insurance policies, excluding life annuity settlements, the basis of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding $3\frac{1}{2}$ per cent per annum and one of the tables of mortality specified below, or any other table that is approved by the Superintendent.

Tables of Mortality

- (i) Any of the tables named under paragraph 1 above.
- (ii) The Standard Industrial Table.
- (iii) 1941 Standard Industrial Mortality Table, 1941 SI.

No reserve shall be held at any valuation within the first year after issue of any policy. In valuations thereafter the insurance risks of the first policy year shall be ignored, and, for valuation purposes, the date of issue of the policy shall be assumed to be one year after the actual date of issue, the age at issue shall be assumed to be one year greater than the actual age at issue, and the premium terms shall be assumed to commence as of the assumed date of issue and to be co-terminous with the premium term stated in the policy to be valued.

The valuation premium shall be such a level premium as of the assumed age at issue, payable for the assumed premium term, as is equal in the then present value to the insurance risks incurred by the Company as from the attainment of the assumed age at issue.

In valuations made as of any date after the attainment of the assumed age at issue, the value of the policy shall be the difference between the then value of the sums assured (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as of the date of valuation) and the then value of the valuation premium assumed to be payable following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy.

If the terms of any particular class or group of policies are such that the above method of valuation appears to be inapplicable or inappropriate, adaptations in the above method may be made, subject to the approval of the Superintendent.

3. As respects immediate or deferred life annuities, including life annuity settlements (other than disability annuities) arising out of policies of life insurance, the bases of valuation shall be an assumed rate of interest not exceeding 4 per cent per annum and one of the tables of mortality specified below, male or female, according to the sex of the nominee, or any other table of mortality that is approved by the Superintendent.

Tables of Mortality

- (i) Mortality of Annuitants, 1900-1920, a(f) and a(m).
- (ii) 1937 Standard Annuity Table.
- (iii) The a-1949 Table (Annuity Table for 1949).
- (iv) The a(55) Tables for Annuitants.

In the valuation of deferred annuities, the method of valuation shall be the net level premium method, subject to such adaptations as the Superintendent deems appropriate in any case where the premium may not be uniform throughout the premium-paying period.

4. As respects future payments dependent on a term certain only, including term-certain annuities arising out of policies of life insurance, the valuation shall be made at a rate of interest not exceeding 4 per cent per annum, and the method of valuation shall be the net level premium method, subject to such adaptations as the Superintendent deems appropriate in any case where the premium for the policy may not be uniform throughout the premium-paying period.

5. Policies other than those at uniform annual premiums for a uniform amount of insurance throughout shall be valued on bases determined in accordance with the foregoing provisions with such adaptations in the valuation methods as seem to the Superintendent appropriate in the circumstances.

6. Where a policy of life insurance provides for accident or sickness insurance benefits, the Superintendent may prescribe the basis for valuing such benefits.

Commence-
ment

9.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Insurance Amendment Act, 1962-63*.

An Act to amend The Insurance Act

1st Reading

March 28th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 135

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Teachers' Superannuation Act

MR. DAVIS

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment recognizes the fact that in due course there will be more than one college of education in the Ontario system.

SECTION 1—Subsection 2, and SECTION 4. These amendments will enable co-ordinators and instructors under Programme 5 of the Federal-Provincial Technical and Vocational Training Agreement to participate in the Teachers' Superannuation Fund as of the commencement of the current school year. They also authorize regulations under which these persons may contribute in respect of past Programme 5 service.

SECTION 2. The provision is brought into line with current practices.

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause v of clause d of section 1 of *The Teachers' Superannuation Act* is amended by inserting after "in" in the first line "a college of education" and by striking out "the Ontario College of Education" in the third line, so that the subclause shall read as follows:

R.S.O. 1960,
c. 392, s. 1,
cl. d,
subcl. v,
amended

(v) as a teacher in a college of education, a teachers' college, a provincial technical or polytechnical institute, a railway-car school, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or The Lakehead College of Arts, Science and Technology.

(2) Clause d of the said section 1 is amended by adding thereto the following subclause:

R.S.O. 1960,
c. 392, s. 1,
cl. d,
amended

(va) as a co-ordinator or instructor under any agreement entered into under the *Technical and Vocational Training Assistance Act* (Canada).

1960-61,
c. 6 (Can.)

2. Subsection 7 of section 2 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 2,
subs. 7,
re-enacted

(7) The Commission shall meet in the offices of the Department of Education in Toronto on, Meetings

(a) the fourth Friday in September;

(b) the fourth Friday in November;

(c) the third Friday in January;

(d) the Thursday following Easter;

(e) the third Saturday in June,

and at such other times as the chairman determines.

R.S.O. 1960,
c. 392, s. 31,
subs. 1,
amended

3.—(1) Subsection 1 of section 31 of *The Teachers' Superannuation Act* is amended by striking out "the Ontario College of Education" in the second line and inserting in lieu thereof "a college of education" and by striking out "Ontario College of Education" in the ninth line and inserting in lieu thereof "college of education", so that the subsection shall read as follows:

Student
teachers
with im-
pairment

- (1) Where the medical examination prescribed for admission to a college of education or to a teachers' college discloses in a person a mental or physical impairment, defect or condition, or a history of any of them, that in the opinion of the Commission does not render the person incapable of being employed but might subsequently render him incapable of being employed by re-occurrence, worsening or the development of sequelae or complications, the person shall be admitted to the college of education or to the teachers' college only if he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

R.S.O. 1960,
c. 392, s. 31,
subs. 3, cl. b,
amended

(2) Clause *b* of subsection 3 of the said section 31 is amended by inserting after "incapacitated" in the first and second lines "as a result of the mental or physical impairment, defect or condition or a history thereof in respect of which he signed a consent", so that the clause shall read as follows:

- (b) while employed becomes mentally or physically incapacitated, as a result of the mental or physical impairment, defect or condition or a history thereof in respect of which he signed a consent, to a degree that in the opinion of the Commission renders him incapable of being further employed; and

.

R.S.O. 1960,
c. 392, s. 58,
amended

4. Section 58 of *The Teachers' Superannuation Act*, as amended by section 3 of *The Teachers' Superannuation Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph:

- 9a. prescribing the terms and conditions upon which co-ordinators and instructors under Programme 5 of the Federal-Provincial Technical and Vocational

SECTION 3—Subsection 1. These amendments are complementary to subsection 1 of section 1 of this Bill.

Subsection 2. This amendment will enable a person who has signed a consent under section 31 of the Act to obtain a disability pension under section 29 or 30 of the Act if the nature of his disability was not evident at the time he signed the consent.

SECTION 4. See note to subsection 2 of section 1.

SECTION 5. Self-explanatory.

Training Agreement may contribute to the Fund in respect of employment under the Agreement before the 1st day of September, 1962.

5. Every person now or hereafter on the staff of a college of education who is eligible to contribute to either the Teachers' Superannuation Fund or the pension fund of a university shall, within three months after this Act comes into force or within three months after joining such staff, whichever is the later, by notice in writing to the Commission and to the university, elect to contribute to one or the other of such funds and shall not thereafter have a right to re-elect.

6.—(1) This Act, except subsection 2 of section 1 and section 4, comes into force on the day it receives Royal Assent.

(2) Subsection 2 of section 1 and section 4 shall be deemed to have come into force on the 1st day of September, 1962.

7. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1962-63*.

An Act to amend
The Teachers' Superannuation Act

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

MR. DAVIS

BILL 135

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Teachers' Superannuation Act

MR. DAVIS

BILL 135

1962-63

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause v of clause d of section 1 of *The Teachers' Superannuation Act* is amended by inserting after "in" in the first line "a college of education" and by striking out "the Ontario College of Education" in the third line, so that the subclause shall read as follows: R.S.O. 1960,
c. 392, s. 1,
cl. d,
subcl. v,
amended

- (v) as a teacher in a college of education, a teachers' college, a provincial technical or polytechnical institute, a railway-car school, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or The Lakehead College of Arts, Science and Technology.

(2) Clause d of the said section 1 is amended by adding thereto the following subclause: R.S.O. 1960,
c. 392, s. 1,
cl. d,
amended

- (va) as a co-ordinator or instructor under any agreement entered into under the *Technical and Vocational Training Assistance Act* (Canada). 1960-61,
c. 6 (Can.)

2. Subsection 7 of section 2 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 2,
subs. 7,
re-enacted

- (7) The Commission shall meet in the offices of the Meetings
Department of Education in Toronto on,

- (a) the fourth Friday in September;
(b) the fourth Friday in November;
(c) the third Friday in January;

(d) the Thursday following Easter;

(e) the third Saturday in June,

and at such other times as the chairman determines.

R.S.O. 1960,
c. 392, s. 31,
subs. 1,
amended

3.—(1) Subsection 1 of section 31 of *The Teachers' Superannuation Act* is amended by striking out "the Ontario College of Education" in the second line and inserting in lieu thereof "a college of education" and by striking out "Ontario College of Education" in the ninth line and inserting in lieu thereof "college of education", so that the subsection shall read as follows:

Student
teachers
with im-
pairment

- (1) Where the medical examination prescribed for admission to a college of education or to a teachers' college discloses in a person a mental or physical impairment, defect or condition or a history of any of them, that in the opinion of the Commission does not render the person incapable of being employed but might subsequently render him incapable of being employed by re-occurrence, worsening or the development of sequelae or complications, the person shall be admitted to the college of education or to the teachers' college only if he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

R.S.O. 1960,
c. 392, s. 31,
subs. 3, cl. b,
amended

(2) Clause *b* of subsection 3 of the said section 31 is amended by inserting after "incapacitated" in the first and second lines "as a result of the mental or physical impairment, defect or condition or a history thereof in respect of which he signed a consent", so that the clause shall read as follows:

- (b) while employed becomes mentally or physically incapacitated, as a result of the mental or physical impairment, defect or condition or a history thereof in respect of which he signed a consent, to a degree that in the opinion of the Commission renders him incapable of being further employed; and

R.S.O. 1960,
c. 392, s. 58,
amended

4. Section 58 of *The Teachers' Superannuation Act*, as amended by section 3 of *The Teachers' Superannuation Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph:

- 9a. prescribing the terms and conditions upon which co-ordinators and instructors under Programme 5 of the Federal-Provincial Technical and Vocational

Training Agreement may contribute to the Fund in respect of employment under the Agreement before the 1st day of September, 1962.

5. Every person now or hereafter on the staff of a college ^{O.C.E. staff,} of education who is eligible to contribute to either the ^{election} Teachers' Superannuation Fund or the pension fund of a university shall, within three months after this Act comes into force or within three months after joining such staff, whichever is the later, by notice in writing to the Commission and to the university, elect to contribute to one or the other of such funds and shall not thereafter have a right to re-elect.

6.—(1) This Act, except subsection 2 of section 1 and ^{Commence-} section 4, comes into force on the day it receives Royal ^{ment} Assent.

(2) Subsection 2 of section 1 and section 4 shall be deemed ^{Idem} to have come into force on the 1st day of September, 1962.

7. This Act may be cited as *The Teachers' Superannuation* ^{Short title} *Amendment Act, 1962-63.*

An Act to amend
The Teachers' Superannuation Act

1st Reading

April 2nd, 1963

2nd Reading

April 23rd, 1963

3rd Reading

April 26th, 1963

MR. DAVIS

BILL 136

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to establish Welfare Administration Boards in Territorial Districts

MR. CECILE

EXPLANATORY NOTE

The Bill enables a majority of the towns, villages, townships and improvement districts in each territorial district to require the establishment of a district welfare administration board to administer the welfare services in the district. The District of Thunder Bay is divided in two for this purpose. Cities are not included, and towns, villages, townships and improvement districts having a population of over 15,000 may exempt themselves.

BILL 136

1962-63

An Act to establish Welfare Administration Boards in Territorial Districts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a district welfare administration board established under section 3;
- (b) "council" means the council of a municipality, and includes the board of trustees of an improvement district;
- (c) "district" means a territorial or electoral district named in section 2;
- (d) "Minister" means the Minister of Public Welfare;
- (e) "municipality" means a town, village, township or improvement district to which this Act applies as determined under section 2;
- (f) "regulations" means the regulations made under this Act;
- (g) "welfare services" means,
 - (i) any class of assistance administered under *The General Welfare Assistance Act*, R.S.O. 1960,
c. 164
 - (ii) the services of a homemaker or nurse that are furnished under *The Homemakers and Nurses Services Act*, R.S.O. 1960,
c. 173
 - (iii) the expenditures for the hospitalization of indigent persons,

R.S.O. 1960,
c. 53

- (iv) the expenditures for the payment of the rate under section 24 or 27 of *The Child Welfare Act* for the care and maintenance of a child or children by a children's aid society,

and includes such other welfare services as are designated by the regulations.

Application

2. This Act applies to the towns, villages, townships and improvement districts in the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Rainy River, Sudbury and Timiskaming, and in the electoral districts of Fort William and Port Arthur, but a municipality having a population of more than 15,000 may by by-law, subject to the approval of the Minister, exempt itself from the application of this Act.

Establishment of district welfare administration board

3.—(1) A district welfare administration board shall be established and maintained for a district by all the municipalities in the district when a by-law authorizing the establishment of the board has been passed by a majority of the municipalities in the district.

Transmission of by-law

(2) When a by-law is passed under subsection 1, a certified copy thereof shall be transmitted forthwith to the Minister.

Composition of board

(3) A board shall be a corporation and shall consist of,

(a) not fewer than three and not more than five members appointed jointly by all the municipalities in the district for a term not exceeding one year expiring on the 1st day of April in each year; and

(b) two members appointed by the Lieutenant Governor in Council for a term not exceeding three years.

Municipal members

(4) Each member of a board appointed by the municipalities shall, when appointed, be a member of the council of a municipality in the district, and, where a member of the board ceases to be a member of a council before his term as a member of the board has expired, he may complete the unexpired portion of his term.

Powers and duties of boards

4.—(1) Where a board is established for a district, all the powers, duties and responsibilities that are given by any other Act to the councils of the municipalities in the district in respect of the provision and administration of welfare services are vested in the board.

Welfare administrator

(2) Every board shall, with the approval of the Minister, appoint a welfare administrator and such other staff as is necessary.

5. Where a board is established for a district, any contribution that is payable by the Province for welfare services to a municipality in the district shall be paid instead to the board. ^{Payments for welfare services made to board}

6.—(1) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each district for which a board is established. ^{Assessment to be revised and equalized}

(2) Each board shall in each year apportion among the municipalities in the district the amount that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality. ^{Estimates and apportionment}

(3) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year. ^{Reserve for working funds}

(4) Each municipality shall include the amount required to be provided by it under this section in its estimates for the then current year, and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand. ^{Levy and collection}

(5) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed. ^{Where assessments not equalized in time}

(6) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court. ^{Where equalized assessment appealed}

7.—(1) In the first year in which a board is established for a district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, ^{Provincial grant for first year}

direct payment to the board of a per capita grant in accordance with the population of each municipality in the district in the amount prescribed by the regulations for that district to assist the board to carry out the purposes of this Act during the first year.

When grant paid out of Consolidated Revenue Fund (2) A grant made under subsection 1 before the 1st day of April, 1964, shall be paid out of the Consolidated Revenue Fund.

Determination of population **8.** For the purposes of this Act, the population of a municipality shall be as determined by the latest census made by the assessor of the municipality under *The Assessment Act*.
R.S.O. 1960, c. 23

Regulations **9.** The Lieutenant Governor in Council may make regulations,

- (a) adding to the welfare services mentioned in clause g of section 1;
- (b) governing applications for grants under section 7, and the method, time and manner of the payment of the grants;
- (c) prescribing the per capita amount for each district to which the Act applies for the purposes of section 7;
- (d) providing for the appointment of a chairman of a board, and fixing the term of office of the chairman;
- (e) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement **10.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **11.** This Act may be cited as *The District Welfare Administration Boards Act, 1962-63*.

Bonds in Liquidation
and for to establish the same

An Act to establish Welfare Administration
Boards in Territorial Districts

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

MR. CECILE

BILL 136

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to establish Welfare Administration Boards in Territorial Districts

MR. CECILE

BILL 136

1962-63

An Act to establish Welfare Administration Boards in Territorial Districts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a district welfare administration board established under section 3;
- (b) "council" means the council of a municipality, and includes the board of trustees of an improvement district;
- (c) "district" means a territorial or electoral district named in section 2;
- (d) "Minister" means the Minister of Public Welfare;
- (e) "municipality" means a town, village, township or improvement district to which this Act applies as determined under section 2;
- (f) "regulations" means the regulations made under this Act;
- (g) "welfare services" means,
 - (i) any class of assistance administered under *The General Welfare Assistance Act*, R.S.O. 1960,
c. 164
 - (ii) the services of a homemaker or nurse that are furnished under *The Homemakers and Nurses Services Act*; R.S.O. 1960,
c. 173
 - (iii) the expenditures for the hospitalization of indigent persons,

R.S.O. 1960,
c. 53

- (iv) the expenditures for the payment of the rate under section 24 or 27 of *The Child Welfare Act* for the care and maintenance of a child or children by a children's aid society,

and includes such other welfare services as are designated by the regulations.

Application

2. This Act applies to the towns, villages, townships and improvement districts in the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Rainy River, Sudbury and Timiskaming, and in the electoral districts of Fort William and Port Arthur, but a municipality having a population of more than 15,000 may by by-law, subject to the approval of the Minister, exempt itself from the application of this Act.

Establishment of district welfare administration board

3.—(1) A district welfare administration board shall be established and maintained for a district by all the municipalities in the district when a by-law authorizing the establishment of the board has been passed by a majority of the municipalities in the district.

Transmission of by-law

(2) When a by-law is passed under subsection 1, a certified copy thereof shall be transmitted forthwith to the Minister.

Composition of board

(3) A board shall be a corporation and shall consist of,

- (a) not fewer than three and not more than five members appointed jointly by all the municipalities in the district for a term not exceeding one year expiring on the 1st day of April in each year; and
- (b) two members appointed by the Lieutenant Governor in Council for a term not exceeding three years.

Municipal members

(4) Each member of a board appointed by the municipalities shall, when appointed, be a member of the council of a municipality in the district, and, where a member of the board ceases to be a member of a council before his term as a member of the board has expired, he may complete the unexpired portion of his term.

Powers and duties of boards

4.—(1) Where a board is established for a district, all the powers, duties and responsibilities that are given by any other Act to the councils of the municipalities in the district in respect of the provision and administration of welfare services are vested in the board.

Welfare administrator

(2) Every board shall, with the approval of the Minister, appoint a welfare administrator and such other staff as is necessary.

5. Where a board is established for a district, any contribution that is payable by the Province for welfare services to a municipality in the district shall be paid instead to the board.
Payments for welfare services made to board

6.—(1) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each district for which a board is established.
Assessment to be revised and equalized

(2) Each board shall in each year apportion among the municipalities in the district the amount that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality.
Estimates and apportionment

(3) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.
Reserve for working funds

(4) Each municipality shall include the amount required to be provided by it under this section in its estimates for the then current year, and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.
Levy and collection

(5) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.
Where assessments not equalized in time

(6) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.
Where equalized assessment appealed

7.—(1) In the first year in which a board is established for a district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature,
Provincial grant for first year

direct payment to the board of a per capita grant in accordance with the population of each municipality in the district in the amount prescribed by the regulations for that district to assist the board to carry out the purposes of this Act during the first year.

When grant paid out of Consolidated Revenue Fund (2) A grant made under subsection 1 before the 1st day of April, 1964, shall be paid out of the Consolidated Revenue Fund.

Determination of population **R.S.O. 1960, c. 23** **8.** For the purposes of this Act, the population of a municipality shall be as determined by the latest census made by the assessor of the municipality under *The Assessment Act*.

Regulations **9.** The Lieutenant Governor in Council may make regulations,

- (a) adding to the welfare services mentioned in clause g of section 1;
- (b) governing applications for grants under section 7, and the method, time and manner of the payment of the grants;
- (c) prescribing the per capita amount for each district to which the Act applies for the purposes of section 7;
- (d) providing for the appointment of a chairman of a board, and fixing the term of office of the chairman;
- (e) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement **10.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **11.** This Act may be cited as *The District Welfare Administration Boards Act, 1962-63*.

An Act to establish Welfare Administration
Boards in Territorial Districts

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. CECILE

BILL 137

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Public Service Superannuation Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTION 1. This amendment brings the subsection into line with section 27 of the Act.

SECTION 2. The intent is clarified.

BILL 137

1962-63

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 8,
subs. 3,
re-enacted

(3) Where the Lieutenant Governor in Council designates a board, commission or foundation under section 27, amounts equivalent to the contributions to the Fund of persons who become contributors by reason of such designation shall be paid into the Fund by the board, commission or foundation in lieu of the credits to the Fund provided for in subsection 1. Designated
boards,
commissions
and
foundations

2. Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 7 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 16
(1961-62,
c. 122, s. 7),
subs. 1,
re-enacted

(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown, any allowance or annuity that he received immediately prior to such re-employment or engagement or to which he becomes entitled during such re-employment or engagement shall not be paid during the period of such re-employment or engagement. Re-
employment

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Public Service Superannuation Amendment Act, 1962-63*. Short title

An Act to amend
The Public Service Superannuation Act

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

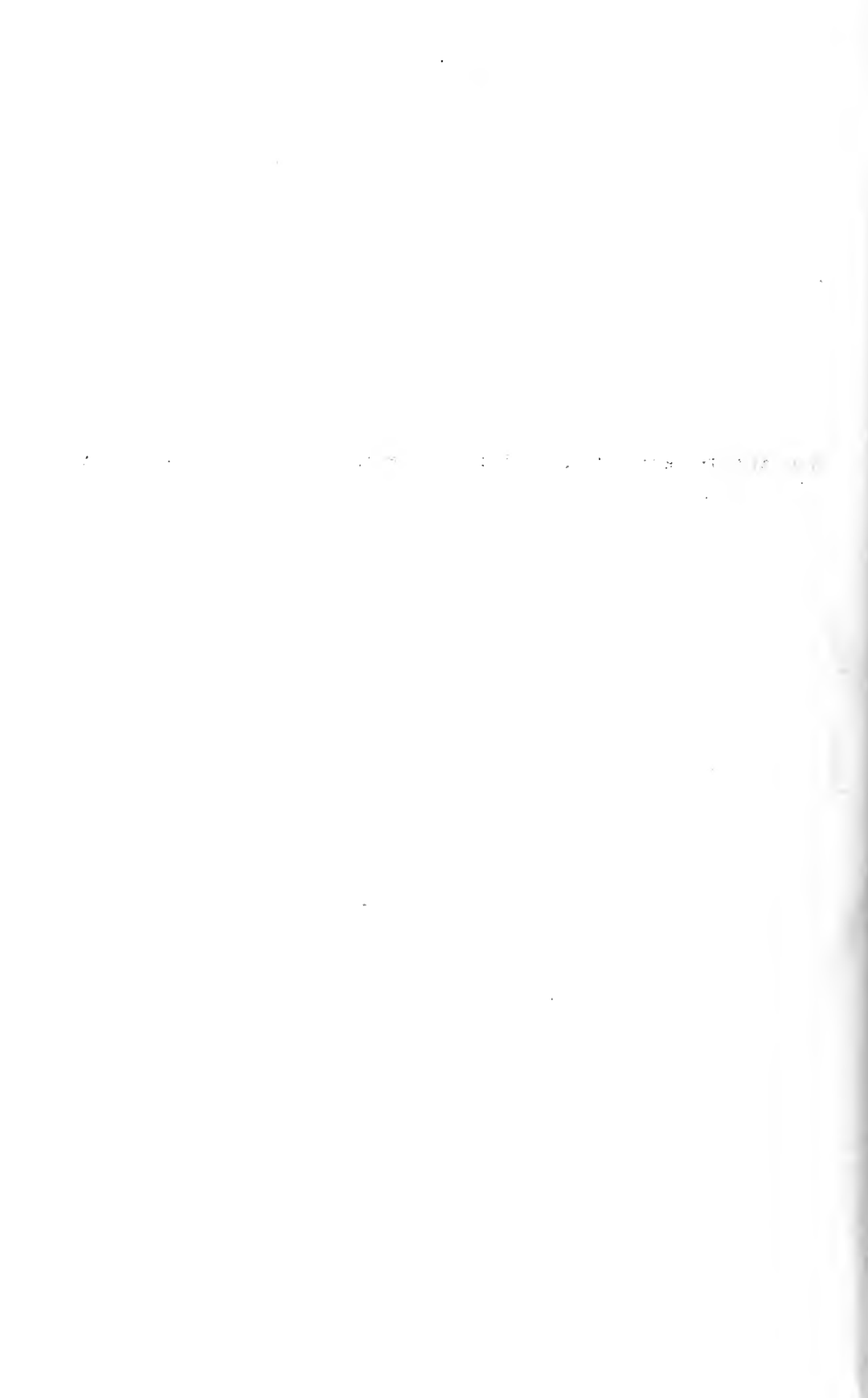
Mr. ALAN (Haldimand-Norfolk)

BILL 137

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Public Service Superannuation Act

MR. ALLAN (Haldimand-Norfolk)



BILL 137

1962-63

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c. 332, s. 16
(1961-62,
c. 122, s. 7),
subs. 1,
re-enacted

(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown, any allowance or annuity that he received immediately prior to such re-employment or engagement or to which he becomes entitled during such re-employment or engagement shall not be paid during the period of such re-employment or engagement. Re-employment

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Public Service Superannuation Amendment Act, 1962-63*. Short title

An Act to amend
The Public Service Superannuation Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. ALAN (Haldimand-Norfolk)

BILL 138

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Succession Duty Act

MR. ALLAN (Haldimand-Norfolk)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The issue of treasury shares by a company controlled by the deceased for short consideration is made taxable.

SECTION 2. No duty will be levied on the interest of a deceased in an employee pension fund where the deceased dies domiciled outside Ontario.

SECTION 3—Subsection 1. The duty payable by a dependant, notably widows and dependent children, is reduced by an amount equal to the amount of duty which would be payable if the aggregate value were equal to the amount of the individual dependant allowance and if the whole of the estate passed to him.

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Succession Duty Act* is amended by adding thereto the following subclause: R.S.O. 1960,
c. 386, s. 1,
cl. *f*,
amended

- (iia) any issuing of, or any agreement to issue, shares out of treasury, during the lifetime of the deceased, of any company in which the interest of the deceased or his agent or nominee was at the time of issuing or agreement, alone or added to that of any member of the family of the deceased, more than 50 per cent, directly or indirectly, of the whole, or shares out of treasury of any company in which the interest of any such first-mentioned company was more than 50 per cent, directly or indirectly, of the whole.

2. Clause *h* of section 4 of *The Succession Duty Act* is amended by striking out "or" at the end of subclause ii and by adding thereto the following subclauses: R.S.O. 1960,
c. 386, s. 4,
cl. *h*,
amended

- (iv) any interest of the deceased in any pension fund, plan or scheme of general application to employees of whom the deceased was one,
- (v) any money or other property payable or transferable as a result of the death of the deceased out of any pension fund, plan or scheme of general application to employees of whom the deceased was one, or
- (vi) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any pension fund, plan or scheme of general application to employees of whom the deceased was one.

3.—(1) Section 7 of *The Succession Duty Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 386, s. 7,
amended

Reduction
in
dependant's
duty

(2a) The duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced by an amount equal to the amount obtained by dividing the product of,

(a) the sum of the value of the property passing on the death of the deceased to him or for his benefit on which duty is levied and of the value of all dispositions in respect of which duty is levied on him; and

(b) the amount of his individual dependant reduction or of his increased individual dependant reduction, if the greater,

by the sum of the value of all the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause g of subsection 1 of section 5.

R.S.O. 1960,
c. 386, s. 7,
subs. 3,
amended

(2) Subsection 3 of the said section 7, as amended by section 2 of *The Succession Duty Amendment Act, 1960-61*, is further amended by adding at the commencement thereof "After the reduction provided for in subsection 2a is made", so that the first three lines of the subsection shall read as follows:

Duty
levied on
dependant
to be
reduced-
notch clause

(3) After the reduction provided for in subsection 2a is made, the duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced to an amount equal to one-half of,

R.S.O. 1960,
c. 386, s. 7,
subs. 5, cl. a,
repealed

(3) Clause a of subsection 5 of the said section 7 is repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 7,
amended

(4) Subsection 7 of the said section 7 is amended by inserting after "to" in the fourth line of clause c and in the twenty-third line and inserting in lieu thereof in each instance "one-half of", so that the subsection shall read as follows:

Reduction

(7) Where,

(a) any of the property to which clause a of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1 and any of the dispositions to which clause a of section 1 applies are made to him or them; and

Subsection 2. This amendment is complementary to the amendment made by subsection 1 above.

Subsection 3. The effect of the repeal of clause *a* is to raise the exemption for stranger class beneficiaries from \$5,000 to \$10,000.

Subsection 4. The duty under the notch provisions in favour of preferred beneficiaries is further reduced by one-half.

Subsection 5. Notch clauses are provided for collateral and stranger beneficiaries on the same basis as that provided for the preferred class.

- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
 - (i) multiplying the amount by which the aggregate value exceeds \$50,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
 - (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

(5) The said section 7 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 386, s. 7,
amended

(7a) Where,

Notch
clause,
collaterals

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 4 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
 - (i) multiplying the amount by which the aggregate value exceeds \$20,000 by the

sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*; and, where the aggregate value is less than \$20,000 and clauses *a* and *b* apply, the duty levied on the proportion of such property passing on the death of the deceased to or for the benefit of any one of such persons and on him shall be reduced to an amount equal to one-half of the amount by which the sum of the value of such property so passing and of such dispositions made to him exceeds \$10,000.

Notch
clause,
strangers

(7b) Where,

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 5 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
 - (i) multiplying the amount by which the aggregate value exceeds \$10,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
 - (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

Subsection 6. The bases of the reductions made by subsection 1 are defined.

(6) Subsection 8 of the said section 7 is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
amended

(ca) "increased individual dependant reduction", in the case of the wife of the deceased, means the sum of the amount of her individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause g of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance;

(cb) "increased individual dependant reduction", in the case of a dependant where the deceased is not survived by a wife, means the sum of,

(i) the amount of his individual dependant reduction, and

(ii) an amount equal to the amount obtained by dividing the product of,

A. the amount of the dependant's individual dependant allowance, and

B. the sum of the amounts of the individual dependant reduction of dependants in whose cases the sum of the value of the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause g of subsection 1 of section 5, does not exceed the amount of his individual dependant allowance,

by the sum of the amounts of the individual dependant allowance of all dependants, exclusive of dependants mentioned in sub-clause B.

.

(da) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to amounts

equal to the amount of his individual dependant allowance and by adding to the amount so obtained 15 per cent thereof, provided that, where the dependant's individual dependant allowance is less than \$50,000, the rate to be applied to his individual dependant allowance shall be 2.5 per cent.

R.S.O. 1960,
c. 386, s. 10,
subs. 1,
amended

4.—(1) Subsection 1 of section 10 of *The Succession Duty Act* is amended by inserting after "contract" in the twenty-ninth line "or to any pension fund, plan or scheme", so that the subsection shall read as follows:

Consent

(1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,

(a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,

(i) any property situate in Ontario in which the deceased at the time of his death had any beneficial interest, or

(ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and

(b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased, shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection does not apply to any contract or to any pension fund, plan or scheme to which clause *h* of section 4 applies.

SECTION 4—Subsection 1. The consent of the Treasurer is not required for payment out of an employee pension fund where the deceased employee dies domiciled outside Ontario.

Subsection 2. The amount payable without the consent of the Treasurer in respect of a pension fund for employees is increased from \$2,500 to \$5,000.

(2) Subsection 3 of the said section 10 is amended by striking out "\$2,500" in the second line and inserting in lieu thereof "\$5,000", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 386, s. 10, subs. 3, amended}

- (3) Notwithstanding anything in this Act, any person may make payment not exceeding \$5,000 under any pension fund, plan or scheme of general application to employees of whom the deceased was one, without the consent of the Treasurer, where payment is made to or for the benefit of any member or members of the family of the deceased, and notice of the making of payment shall be transmitted forthwith to the Treasurer. ^{Payments under pension funds, etc.}

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Succession Duty Amendment Act, 1962-63*. ^{Short title}

An Act to amend The Succession Duty Act

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 138

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Succession Duty Act

MR. ALLAN (Haldimand-Norfolk)

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The issue of treasury shares by a company controlled by the deceased for short consideration is made taxable.

SECTION 2. No duty will be levied on the interest of a deceased in an employee pension fund where the deceased dies domiciled outside Ontario.

SECTION 3—Subsection 1. The duty payable by a dependant, notably widows and dependent children, is reduced by an amount equal to the amount of duty which would be payable if the aggregate value were equal to the amount of the individual dependant allowance and if the whole of the estate passed to him.

BILL 138

1962-63

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Succession Duty Act* is amended by adding thereto the following subclause: R.S.O. 1960,
c. 386, s. 1,
cl. *f*,
amended

- (iii*a*) any issuing of, or any agreement to issue, shares out of treasury, during the lifetime of the deceased, of any company in which the interest of the deceased or his agent or nominee was at the time of issuing or agreement, alone or added to that of any member of the family of the deceased, more than 50 per cent, directly or indirectly, of the whole, or shares out of treasury of any company in which the interest of any such first-mentioned company was more than 50 per cent, directly or indirectly, of the whole.

2. Clause *h* of section 4 of *The Succession Duty Act* is amended by striking out "or" at the end of subclause ii and by adding thereto the following subclauses: R.S.O. 1960,
c. 386, s. 4,
cl. *h*,
amended

- (iv) any interest of the deceased in any pension fund, plan or scheme of general application to employees of whom the deceased was one,
- (v) any money or other property payable or transferable as a result of the death of the deceased out of any pension fund, plan or scheme of general application to employees of whom the deceased was one, or
- (vi) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any pension fund, plan or scheme of general application to employees of whom the deceased was one.

3.—(1) Section 7 of *The Succession Duty Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 386, s. 7,
amended

Reduction
in
dependant's
duty

(2a) The duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced by an amount equal to the amount obtained by dividing the product of,

(a) the sum of the value of the property passing on the death of the deceased to him or for his benefit on which duty is levied and of the value of all transmissions to him and of the value of all dispositions in respect of which duty is levied on him; and

(b) the amount of his individual dependant reduction or of his increased individual dependant reduction, if the greater,

by the sum of the value of all the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause g of subsection 1 of section 5.

R.S.O. 1960,
c. 386, s. 7,
subs. 3,
amended

(2) Subsection 3 of the said section 7, as amended by section 2 of *The Succession Duty Amendment Act, 1960-61*, is further amended by adding at the commencement thereof "After the reduction provided for in subsection 2a is made", so that the first three lines of the subsection shall read as follows:

Duty
levied on
dependant
to be
reduced-
notch clause

(3) After the reduction provided for in subsection 2a is made, the duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced to an amount equal to one-half of,

.

R.S.O. 1960,
c. 386, s. 7,
subs. 5, cl. a,
repealed

(3) Clause a of subsection 5 of the said section 7 is repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 7,
amended

(4) Subsection 7 of the said section 7 is amended by inserting after "to" in the fourth line of clause c and in the twenty-third line and inserting in lieu thereof in each instance "one-half of", so that the subsection shall read as follows:

Reduction

(7) Where,

(a) any of the property to which clause a of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1 and any of the dispositions to which clause a of section 1 applies are made to him or them; and

Subsection 2. This amendment is complementary to the amendment made by subsection 1 above.

Subsection 3. The effect of the repeal of clause *a* is to raise the exemption for stranger class beneficiaries from \$5,000 to \$10,000.

Subsection 4. The duty under the notch provisions in favour of preferred beneficiaries is further reduced by one-half.

Subsection 5. Notch clauses are provided for collateral and stranger beneficiaries on the same basis as that provided for the preferred class.

- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
 - (i) multiplying the amount by which the aggregate value exceeds \$50,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
 - (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

(5) The said section 7 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 386, s. 7,
amended

(7a) Where,

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 4 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property, where the aggregate value exceeds \$10,000 but does not exceed \$20,000, so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
 - (i) multiplying the amount by which the aggregate value exceeds \$10,000 by the

Notch
clause,
collaterals

sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*; and

- (d) the amount of the duty including the surtax provided for by subsection 6, levied on the proportion of such property, where the aggregate value exceeds \$20,000, so passing to or for the benefit of any one of such persons and on him, by reason of the application of the rate of duty provided for by clause *a* of subsection 4, is greater than an amount equal to one-half of the amount obtained by,

- (i) multiplying the amount by which the aggregate value exceeds \$20,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *d* shall be reduced to an amount equal to one-half of the amount obtained under subclauses i and ii of clause *d*.

Notch
clause,
strangers

(7b) Where,

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 5 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him

Subsection 6. The bases of the reductions made by subsection 1 are defined.

is greater than an amount equal to one-half of the amount obtained by,

- (i) multiplying the amount by which the aggregate value exceeds \$10,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

(6) Subsection 8 of the said section 7 is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
amended

(ca) "increased individual dependant reduction", in the case of the wife of the deceased, means the sum of the amount of her individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance;

(cb) "increased individual dependant reduction", in the case of a dependant where the deceased is not survived by a wife, means the sum of,

- (i) the amount of his individual dependant reduction, and
- (ii) an amount equal to the amount obtained by dividing the product of,

A. the amount of the dependant's individual dependant allowance, and

B. the sum of the amounts of the individual dependant reduction of dependants in whose cases the sum of the value of the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5, does not exceed the amount of his individual dependant allowance,

by the sum of the amounts of the individual dependant allowance of all dependants, exclusive of dependants mentioned in sub-clause B.

- (da) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to amounts equal to the amount of his individual dependant allowance and by adding to the amount so obtained 15 per cent thereof, provided that, where the dependant's individual dependant allowance is less than \$50,000, the rate to be applied to his individual dependant allowance shall be 2.5 per cent.

R.S.O. 1960,
c. 386, s. 10,
subs. 1,
amended

4.—(1) Subsection 1 of section 10 of *The Succession Duty Act* is amended by inserting after "contract" in the twenty-ninth line "or to any pension fund, plan or scheme", so that the subsection shall read as follows:

Consent

- (1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,
- (a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,
 - (i) any property situate in Ontario in which the deceased at the time of his death had any beneficial interest, or
 - (ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and
 - (b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased,

SECTION 4—Subsection 1. The consent of the Treasurer is not required for payment out of an employee pension fund where the deceased employee dies domiciled outside Ontario.

Subsection 2. The amount payable without the consent of the Treasurer in respect of a pension fund for employees is increased from \$2,500 to \$5,000.

shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection does not apply to any contract or to any pension fund, plan or scheme to which clause *h* of section 4 applies.

(2) Subsection 3 of the said section 10 is amended by striking out "\$2,500" in the second line and inserting in lieu thereof "\$5,000", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 10, subs. 3, amended

(3) Notwithstanding anything in this Act, any person may make payment not exceeding \$5,000 under any pension fund, plan or scheme of general application to employees of whom the deceased was one, without the consent of the Treasurer, where payment is made to or for the benefit of any member or members of the family of the deceased, and notice of the making of payment shall be transmitted forthwith to the Treasurer. Payments under pension funds, etc.

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Succession Duty Amendment Act, 1962-63*. Short title

An Act to amend The Succession Duty Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

(*Reprinted for consideration by the
Committee of the Whole House*)

BILL 138

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Succession Duty Act

MR. ALLAN (Haldimand-Norfolk)



BILL 138

1962-63

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Succession Duty Act* is amended by adding thereto the following subclause: R.S.O. 1960,
c. 386, s. 1,
cl. *f*,
amended

- (iiia) any issuing of, or any agreement to issue, shares out of treasury, during the lifetime of the deceased, of any company in which the interest of the deceased or his agent or nominee was at the time of issuing or agreement, alone or added to that of any member of the family of the deceased, more than 50 per cent, directly or indirectly, of the whole, or shares out of treasury of any company in which the interest of any such first-mentioned company was more than 50 per cent, directly or indirectly, of the whole.

2. Clause *h* of section 4 of *The Succession Duty Act* is amended by striking out "or" at the end of subclause ii and by adding thereto the following subclauses: R.S.O. 1960,
c. 386, s. 4,
cl. *h*,
amended

- (iv) any interest of the deceased in any pension fund, plan or scheme of general application to employees of whom the deceased was one,
- (v) any money or other property payable or transferable as a result of the death of the deceased out of any pension fund, plan or scheme of general application to employees of whom the deceased was one, or
- (vi) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any pension fund, plan or scheme of general application to employees of whom the deceased was one.

3.—(1) Section 7 of *The Succession Duty Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 386, s. 7,
amended

Reduction
in
dependant's
duty

(2a) The duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced by an amount equal to the amount obtained by dividing the product of,

(a) the sum of the value of the property passing on the death of the deceased to him or for his benefit on which duty is levied and of the value of all transmissions to him and of the value of all dispositions in respect of which duty is levied on him; and

(b) the amount of his individual dependant reduction or of his increased individual dependant reduction, if the greater,

by the sum of the value of all the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5.

R.S.O. 1960,
c. 386, s. 7,
subs. 3,
amended

(2) Subsection 3 of the said section 7, as amended by section 2 of *The Succession Duty Amendment Act, 1960-61*, is further amended by adding at the commencement thereof "After the reduction provided for in subsection 2a is made", so that the first three lines of the subsection shall read as follows:

Duty
levied on
dependant
to be
reduced-
notch clause

(3) After the reduction provided for in subsection 2a is made, the duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced to an amount equal to one-half of,

R.S.O. 1960,
c. 386, s. 7,
subs. 5, cl. a,
repealed

(3) Clause *a* of subsection 5 of the said section 7 is repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 7,
amended

(4) Subsection 7 of the said section 7 is amended by inserting after "to" in the fourth line of clause *c* and in the twenty-third line and inserting in lieu thereof in each instance "one-half of", so that the subsection shall read as follows:

Reduction

(7) Where,

(a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and

- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
 - (i) multiplying the amount by which the aggregate value exceeds \$50,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
 - (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

(5) The said section 7 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 386, s. 7,
amended

(7a) Where,

Notch
clause,
collaterals

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 4 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property, where the aggregate value exceeds \$10,000 but does not exceed \$20,000, so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
 - (i) multiplying the amount by which the aggregate value exceeds \$10,000 by the

sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*; and

- (d) the amount of the duty including the surtax provided for by subsection 6, levied on the proportion of such property, where the aggregate value exceeds \$20,000, so passing to or for the benefit of any one of such persons and on him, by reason of the application of the rate of duty provided for by clause *a* of subsection 4, is greater than an amount equal to one-half of the amount obtained by,

- (i) multiplying the amount by which the aggregate value exceeds \$20,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *d* shall be reduced to an amount equal to one-half of the amount obtained under subclauses i and ii of clause *d*.

Notch
clause,
strangers

(7b) Where,

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 5 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him

is greater than an amount equal to one-half of the amount obtained by,

- (i) multiplying the amount by which the aggregate value exceeds \$10,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

(6) Subsection 8 of the said section 7 is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
amended

(ca) "increased individual dependant reduction", in the case of the wife of the deceased, means the sum of the amount of her individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance;

(cb) "increased individual dependant reduction", in the case of a dependant where the deceased is not survived by a wife, means the sum of,

- (i) the amount of his individual dependant reduction, and
- (ii) an amount equal to the amount obtained by dividing the product of,

A. the amount of the dependant's individual dependant allowance, and

B. the sum of the amounts of the individual dependant reduction of dependants in whose cases the sum of the value of the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5, does not exceed the amount of his individual dependant allowance,

by the sum of the amounts of the individual dependant allowance of all dependants, exclusive of dependants mentioned in sub-clause B.

- (da) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to amounts equal to the amount of his individual dependant allowance and by adding to the amount so obtained 15 per cent thereof, provided that, where the dependant's individual dependant allowance is less than \$50,000, the rate to be applied to his individual dependant allowance shall be 2.5 per cent.

R.S.O. 1960,
c. 386, s. 10,
subs. 1,
amended

4.—(1) Subsection 1 of section 10 of *The Succession Duty Act* is amended by inserting after "contract" in the twenty-ninth line "or to any pension fund, plan or scheme", so that the subsection shall read as follows:

Consent

- (1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,

(a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,

(i) any property situate in Ontario in which the deceased at the time of his death had any beneficial interest, or

(ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and

(b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased,

shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection does not apply to any contract or to any pension fund, plan or scheme to which clause *h* of section 4 applies.

(2) Subsection 3 of the said section 10 is amended by striking out "\$2,500" in the second line and inserting in lieu thereof "\$5,000", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 10, subs. 3, amended

(3) Notwithstanding anything in this Act, any person may make payment not exceeding \$5,000 under any pension fund, plan or scheme of general application to employees of whom the deceased was one, without the consent of the Treasurer, where payment is made to or for the benefit of any member or members of the family of the deceased, and notice of the making of payment shall be transmitted forthwith to the Treasurer. Payments under pension funds, etc.

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Succession Duty Amendment Act, 1962-63*. Short title



An Act to amend The Succession Duty Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. ALLAN (Haldimand-Norfolk)

BILL 139

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Corporations Act

MR. YAREMKO

EXPLANATORY NOTES

SECTION 1. The Act now prohibits a partner or employee of a director, officer or employee of a corporation from being appointed an auditor of that corporation.

The effect of these amendments is to also prohibit an employer of any such director, officer or employee from being appointed an auditor.

BILL 139

1962-63

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 81 of *The Corporations Act* ^{R.S.O. 1960, c. 71, s. 81, subs. 1, amended} is amended by inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows:

- (1) Except as provided in subsection 2, no person shall <sup>Qualifica-
tion of
auditor</sup> be appointed as auditor of a company who is a director, officer or employee of that company or an affiliated company or who is a partner, employer or employee of any such director, officer or employee.

(2) Subsection 2 of the said section 81 is amended by ^{R.S.O. 1960, c. 71, s. 81, subs. 2, amended} inserting after “company” in the fourth line “or an affiliated company” and by inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows:

- (2) Upon the unanimous vote of the shareholders of a <sup>Private
companies</sup> private company present or represented at the meeting at which the auditor is appointed, a director, officer or employee of that company or an affiliated company, or a partner, employer or employee of such director, officer or employee, may be appointed as auditor of that company, if it is not a subsidiary company of a company incorporated by any legislative jurisdiction in Canada which is not a private company within the meaning of this Act.

(3) Subsection 3 of the said section 81 is amended by ^{R.S.O. 1960, c. 71, s. 81, subs. 3, amended} inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows:

- (3) A person appointed as auditor under subsection 2 ^{Notice} shall indicate in his report to the shareholders on the annual financial statement of the company that

he is a director, officer or employee of the company or a partner, employer or employee of such director, officer or employee.

R.S.O. 1960, c. 71, s. 87, amended **2.**—(1) Section 87 of *The Corporations Act* is amended by adding thereto the following subsection:

Change in accounting practice

(1a) For the purpose of subsection 1, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period, even though it did not have a material effect upon the profit or loss for the period.

R.S.O. 1960, c. 71, s. 87, subs. 2, amended (2) Subsection 2 of the said section 87 is amended by adding thereto the following item:

14. Any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon that materially affects the financial statement.

R.S.O. 1960, c. 71, s. 145, subs. 4, amended **3.** Subsection 4 of section 145 of *The Corporations Act* is amended by striking out "\$5" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "\$1".

R.S.O. 1960, c. 71, s. 151, subs. 13, amended **4.** Subsection 13 of section 151 of *The Corporations Act* is amended by inserting after "fire" in the eighth line "property damage insurance, theft insurance or", so that the subsection shall read as follows:

Powers

(13) The powers of a mutual fire insurance corporation without guarantee capital stock shall be limited to undertaking contracts of fire insurance upon agricultural property, or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*, but may be extended by supplementary letters patent to include, in the case of property that it insures against fire, property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*, but, if such powers are extended to include weather insurance, all liability for loss in excess of \$100 on any risk covered by weather insurance shall be re-insured with a licensed weather insurance company.

R.S.O. 1960, c. 190

R.S.O. 1960, c. 71, s. 208, subs. 2, cl. h, re-enacted **5.**—(1) Clause *h* of subsection 2 of section 208 of *The Corporations Act* is repealed and the following substituted therefor:

SECTION 2—Subsection 1. The new subsection is designed to clarify the intent of subsection 1, which requires a note to a financial statement of any change, etc., in accounting practices that affects comparability of that statement with previous statements.

Subsection 2. The events and transactions mentioned in the new item 14 will be required to be referred to in the financial statement or in a note thereto in order that shareholders will have up-to-date information.

SECTION 3. The amendment will permit, in the circumstances described in the subsection, the reduction in par value of shares to \$1 or a multiple thereof or allow a similar value to be applied on the creation of an additional class or classes of shares.

SECTION 4. This amendment will permit farm mutual fire insurance companies to extend their coverage of fire insurance to also include the hazards of property damage and theft.

SECTION 5. Section 208 of *The Corporations Act* sets out the investment powers of insurers. These are substantially the same as the investment provisions of the Federal Insurance Acts as they stood prior to 1961. In 1961 the Federal provisions were revised and, in some respects, enlarged to keep pace with changing conditions (see Statutes of Canada, 1960-61, c. 13, ss. 12 and 29-34, and c. 16, ss. 9-14).

The amendments in this section of the Bill are designed to bring the investment powers of Ontario insurers into line with the Federal Acts.

Subsection 1. At present, mortgage bonds are eligible investments only if the security behind them is mortgaged to a trustee. The amendment to clause *h* makes bonds eligible where the security behind them is real estate mortgaged to the insurer making the investment. Also, cash balances in the hands of a trustee will be recognized as one of the classes of assets that may be mortgaged as security for a bond issue.

Subsection 2. At present, equipment trust certificates are eligible investments if they relate to railway equipment. The amendment to clause *i* will also include equipment trust certificates issued to finance the purchase of highway transportation equipment.

Subsection 3. This new clause will allow guaranteed investment certificates as eligible investments if they are issued by a Canadian trust company that meets the specified dividend test, that is to say, a five-year record of dividends at the full rate on its preferred shares or a five-year record of dividends at a rate of at least 4 per cent on its common shares.

Subsection 4. At the present time, an insurer may join with any other insurer in making an investment in real estate for the production of income where the real estate is leased to a corporation that meets certain dividend requirements. The amendment to clause *o* will enable such investments to be made also jointly with loan companies and trust companies incorporated in Canada, and will increase the maximum limit on any one parcel of real estate from one-half of 1 per cent to 1 per cent of the company's total assets.

- (h) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to the insurer upon real estate or to a trustee upon any, or upon any combination, of the following assets, ^{bonds, etc., secured by mortgage}

- (i) real estate,
- (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
- (iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment.

- (2) Clause *i* of subsection 2 of the said section 208 is ^{R.S.O. 1960, c. 71, s. 208, subs. 2, cl. 1, re-enacted} repealed and the following substituted therefor:

- (i) obligations or certificates issued by a trustee to ^{equipment trust certificates} finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by,

- (i) an assignment of the transportation equipment to, or the ownership thereof, by the trustee, and
- (ii) a lease or conditional sale thereof by the trustee to the corporation.

- (3) Subsection 2 of the said section 208 is amended by ^{R.S.O. 1960, c. 71, s. 208, subs. 2, amended} adding thereto the following clause:

- (ja) guaranteed investment certificates issued by a trust ^{guaranteed investment certificates} company incorporated in Canada that, at the date of the investment by the insurer therein, complied with the requirements described in subclause i of clause *j* in respect of the payment of dividends.

- (4) Clause *o* of subsection 2 of the said section 208 is ^{R.S.O. 1960, c. 71, s. 208, subs. 2, cl. o, re-enacted} repealed and the following substituted therefor:

real estate
for the
production
of income

- (o) real estate or leaseholds for the production of income in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer or with any loan company or trust company incorporated in Canada, if,
 - (i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that, at the date of the investment by the insurer therein, complied with the requirements described in subclause i of clause j in respect of the payment of dividends,
 - (ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the insurer in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and
 - (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 1 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

R.S.O. 1960,
c. 71, s. 208,
subs. 3,
amended

(5) Subsection 3 of the said section 208 is amended by inserting after "reorganization" in the second and third lines "or liquidation", so that the subsection shall read as follows:

Securities
received on
reorganiza-
tion, liquida-
tion or
amalgama-
tion

- (3) Where an insurer owns securities of a corporation and where as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under subsection 2, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares, but they shall be allowed as an asset of the insurer in the annual report prepared by the Superintendent for the Minister only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds,

Subsection 5. At the present time, an insurer may receive and hold securities that are not otherwise eligible investments where the securities are received in exchange for other securities on the reorganization or amalgamation of a corporation in which it has invested. The amendment extends this authority to include such exchanges arising out of liquidation of a corporation.

Subsection 6. Subsection 4 now provides an area of freedom of investment for a company up to a maximum of 3 per cent of the total assets of the company. The amendment will increase this maximum to 5 per cent.

Subsection 7. This amendment increases from 5 per cent to 10 per cent the maximum investment in real estate for the production of income.

SECTION 6. This amendment reduces the directors' share qualification requirement from shares on which \$1,000 has been paid to shares on which \$500 has been paid.

SECTION 7. The new section 224*a* gives power to a life insurance company having a capital stock to purchase its own shares for the purpose of converting the company into a mutual company.

SECTION 8. The Schedule sets forth the conditions to be complied with and the procedure to be followed in converting a joint stock life insurance company into a mutual company. The Schedule is similar to section 90A of the *Canadian and British Insurance Companies Act*.

debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 2.

(6) Paragraph 3 of subsection 4 of the said section 208 is amended by striking out "3" in the fifth line and inserting in lieu thereof "5". R.S.O. 1960,
c. 71, s. 208,
subs. 4,
par. 3,
amended

(7) Subsection 8 of the said section 208 is amended by striking out "5" in the fourth line and inserting in lieu thereof "10". R.S.O. 1960,
c. 71, s. 208,
subs. 8,
amended

6. Section 223 of *The Corporations Act* is amended by striking out "\$1,000" in the sixth line and inserting in lieu thereof "\$500". R.S.O. 1960,
c. 71, s. 223,
amended

7. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 71,
amended

224a. Notwithstanding anything in the letters patent incorporating the company or in its by-laws, or in this Act, a joint stock life insurance company may, with the permission of the minister charged with the administration of *The Insurance Act*, establish and implement a plan for the conversion of the company into a mutual company by the purchase of shares of the capital stock of the company in accordance with the Schedule to this Act. Conversion
of joint
stock life
companies
into mutual
companies
R.S.O. 1960,
c. 190

8. *The Corporations Act* is amended by adding thereto the following schedule: R.S.O. 1960,
c. 71,
amended

SCHEDULE

CONVERSION OF JOINT STOCK LIFE COMPANIES INTO MUTUAL COMPANIES

1. The terms and provisions of any plan referred to in section 224a of *The Corporations Act* shall be set forth in detail in a by-law made by the directors and confirmed at a special general meeting of the company duly called for the purpose of considering the by-law, and there shall be recorded in the minutes of the meeting the number of votes for and the number of votes against confirmation of the by-law, the votes of shareholders and the votes of policyholders being recorded separately. Details of
plan to be
set forth
in by-law
R.S.O. 1960,
c. 71

2. No such by-law becomes effective until sanctioned by the Lieutenant Governor in Council, and in no case shall any such by-law be sanctioned unless the Lieutenant Governor in Council is satisfied that, Sanction of
by-law by
Lieutenant
Governor in
Council

(a) the conversion of the company into a mutual company may reasonably be expected to be achieved under the terms of the by-law and in accordance with this paragraph;

- (b) the paid-up capital of the company has ceased to be an important factor in safeguarding the interests of the policyholders of the company, having regard to the quality and amount of the assets of the company, the surplus of the company relative to its liabilities, the nature of the business carried on by the company and any other considerations deemed by the Lieutenant Governor in Council to be relevant;
- (c) the majority of the votes cast by shareholders and the majority of the votes cast by policyholders at the special general meeting referred to in paragraph 1, whether in person or by proxy, were in favour of confirmation of the by-law;
- (d) the company holds offers from shareholders, in such terms as to preclude the withdrawal thereof prior to notice by the company in accordance with paragraph 13, to sell to the company, at a price fixed by the directors, not less than 25 per cent of all issued and outstanding shares of the capital stock of the company immediately upon the sanction of the by-law by the Lieutenant Governor in Council, or not less than 50 per cent of all issued and outstanding shares of the capital stock of the company within such period, commencing immediately upon the sanction of the by-law by the Lieutenant Governor in Council, as is specified in the by-law;
- (e) the amount required to purchase 25 per cent of the issued and outstanding shares of the capital stock of the company at the price fixed by the directors for the purposes of clause *d* does not exceed the maximum amount, determined in accordance with paragraph 9, that may be applied by the company, immediately upon the sanction of the by-law by the Lieutenant Governor in Council, in payment for shares purchased under the terms of the by-law; and
- (f) the price fixed by the directors for the purposes of clause *d* is fair and reasonable in the circumstances.

Prices to be paid for shares purchased under by-law

3. Upon the sanction of the by-law by the Lieutenant Governor in Council, the price fixed for the purposes of clause *d* of paragraph 2 shall continue to be the price that may be paid for shares purchased under the terms of the by-law until such price is changed by the directors in accordance with paragraph 4.

Change in price, when effective

4. The directors may from time to time change the price to be paid for shares purchased under the terms of the by-law, but no such change becomes effective until approved by the Minister on the report of the Superintendent.

Period for which price to remain in effect

5. The price fixed for the purposes of clause *d* of paragraph 2 and any subsequent change in price approved in accordance with paragraph 4 shall remain in effect for a period of not less than six months from the date of sanction of the by-law or the date of approval by the Minister, as the case may be.

Payment

6. All shares purchased under the terms of the by-law shall be paid for by the company in full at the time of the purchase thereof, but nothing in this paragraph shall be construed as prohibiting the company from applying, in payment for any shares so purchased, the full amount of the purchase price thereof by promissory note, payable at a fixed or determinable future time not later than ten years from the date of the making thereof and bearing a rate of interest fixed by the directors and approved by the Minister on the report of the Superintendent.

Date for commencement of purchase of shares

7. The by-law shall fix a day for the commencement of purchase of shares under the terms of the by-law, which day shall be not sooner than the day following the day the by-law is sanctioned by the Lieutenant Governor in Council.

8. Subject to paragraph 9, the company shall purchase all shares offered for sale under the terms of the by-law on the day or days fixed by the terms of the offer in each case for the sale of those shares and at the price in effect on the day the offer was received or the day fixed by the by-law for the purposes of paragraph 7, whichever is the later, except that no such purchase shall be made prior to the day so fixed by the by-law. Purchase of shares offered for sale

9. Notwithstanding anything in this Schedule, the maximum amount that may be applied by the company at any particular time in payment for shares purchased under the terms of the by-law is the amount by which, Limitation

- (a) the aggregate of the surplus and general or contingency reserves of the company, after deducting the excess of the book value over the par value of any shares purchased under the terms of the by-law on or before the date as of which the condition and affairs of the company are required to be shown in the most recent annual statement as required by *The Corporations Act*,

R.S.O. 1960,
c. 71

exceeds the aggregate of,

- (b) 6 per cent of the total assets of the company, or such lesser percentage of the total assets of the company as may be approved by the Lieutenant Governor in Council, upon application by the company, as safe and reasonable in the circumstances having regard to the bases and methods used in the computation of the policy reserves of the company, the quality of its assets, the nature of the business transacted by the company, the earnings of the company and any other matters deemed by the Lieutenant Governor in Council to be relevant thereto; and
- (c) the total amount applied by the company before that particular time in payment for any shares purchased under the terms of the by-law after the date referred to in clause a.

10. For the purposes of paragraph 9, the assets, surplus and general or contingency reserves of the company and the book value of any shares purchased under the terms of the by-law shall be taken as shown in the annual statement referred to in clause a of paragraph 9. Idem

11. Where, by reason of paragraph 9, the company may, at any particular time, purchase some but not all of the shares in respect of which offers for sale at that time have been received, the amount that may be applied by the company at that time in payment for shares purchased under the terms of the by-law shall be applied by the company by apportionment among all of the shares so offered for sale at that time, or any of them, in such manner as is specified in the by-law. Number of shares to be purchased from each shareholder offering shares

12. The company shall cause a register to be kept in which shall be recorded the offers for sale of shares under the terms of the by-law in the order in which such offers are received by the company, showing, in respect of each such offer, Register to be kept

- (a) the date of receipt by the company of the offer;
- (b) the name and address of the shareholder making the offer;
- (c) the number of shares so offered by the shareholder making the offer and the day or days fixed by the terms of the offer for the sale of those shares;
- (d) the price at which each of the shares so offered may be purchased;
- (e) the date of purchase, if any, of each of the shares so offered and the number of shares purchased; and
- (f) the date of withdrawal, if any, of the offer and the number of shares affected thereby.

Notice to
shareholders
of discon-
tinuation of
purchases

13. Where, by reason of paragraph 9, the company is required to discontinue the purchase of shares under the terms of the by-law, the company shall give notice of such discontinuation to each shareholder on the register whose offer for the sale of shares has not been fully taken up by the company, but any such offer as regards shares not so purchased shall continue to be effective and shall maintain its place on the register until withdrawn by the shareholder by notice in writing to the company.

Shares
purchased:
general

14. Where the company has purchased any shares of the capital stock of the company under the terms of the by-law,

(a) the number of policyholders' directors of the company shall at all times thereafter be not less than,

(i) one-third of the total number of directors, or

(ii) that proportion of the total number of directors, as nearly as may be, that the total number of shares purchased under the terms of the by-law is of the total number of shares outstanding immediately prior to the sanction of the by-law by the Lieutenant Governor in Council,

whichever is the greater, except that nothing in this clause shall be held to require an increase in the number of policyholders' directors except as vacancies occur among the shareholders' directors;

(b) the company shall not thereafter sell any of the shares so purchased, issue any new capital stock or make any calls on shares of the capital stock subscribed;

(c) any dividends thereafter payable to shareholders shall be at a rate not less than the average rate paid in the three years immediately preceding the sanction of the by-law by the Lieutenant Governor in Council, unless the company establishes to the satisfaction of the Minister that a reduction therein is justified by reason of the earnings and general financial condition of the company; and

(d) shares purchased under the terms of the by-law rank equally with other shares in the declaration of dividends to shareholders, but any dividends that may be payable in respect of shares so purchased shall be paid by transfer of the applicable amount from the shareholders' account to the insurance funds of the company.

Idem

15. In respect of each share purchased under the terms of the by-law, until the capital stock of the company has been cancelled in accordance with paragraph 20,

R.S.O. 1960,
c. 71

(a) the company may include in its assets shown in the annual statement required by *The Corporations Act* an amount not exceeding the purchase price of the share, minus one-fifth of the excess of the purchase price over the par value thereof for each complete year that has elapsed since the date of purchase of the share; and

(b) the policyholders' directors shall have additional voting rights corresponding to the voting rights that might have been exercised by the holder of the share if he had not sold it, and, unless the by-law otherwise provides, such additional voting rights shall be divided as nearly as may be equally among the policyholders' directors, and the remainder, if any, shall be exercised by such one of the policyholders' directors as is designated for the purpose by resolution of all of the directors.

Notice where
90 per cent
or more of
shares
acquired by
company

16. At such time as the company first acquires 90 per cent or more of the shares of its capital stock, it shall notify the Minister and each of the remaining shareholders of the company to that effect, and, for the

purposes of this paragraph, notice to any shareholder shall be deemed to have been given by the company if the company has forwarded to him by registered mail, at his address shown in the book or books in which the names of the shareholders of the company are recorded, the notice required by this paragraph.

17. The notice required by paragraph 16 to be given to each of the remaining shareholders of the company shall request each such shareholder to offer his shares for sale forthwith to the company, and shall state therein the substance of paragraph 18. Contents of notice

18. All shares of a shareholder remaining outstanding at the expiration of six months from the date of the notice required by paragraph 16, or at the expiration of such further period as may be required by reason of paragraph 9, shall, upon tender by the company to the shareholder of an amount equal to the price in effect, Acquisition of remaining shares by company

(a) in the case of shares in respect of which any offer for sale was received by the company prior to the date of the notice, on the day the offer was received; or

(b) in the case of any other shares, on the date of the notice,

be deemed to have been purchased by the company, and, for the purposes of this paragraph, tender shall be deemed to have been made to a shareholder by the company if made to him in person or by registered mail forwarded to him at his address shown in the book or books referred to in paragraph 16.

19. Where tender of an amount in accordance with paragraph 18 has been made and the amount so tendered has not been accepted, the amount so tendered shall be retained by the company for payment to the person entitled thereto, and until so paid shall be shown on the books of the company as a liability. Amount tendered to be retained for payment

20. Where the company has purchased or is deemed by paragraph 18 to have purchased all of the shares of the capital stock of the company and the shares have been written down in the books of the company to their par value, the capital stock of the company shall thereupon be retired and cancelled by resolution of the board of directors, and the company shall then become a mutual company without capital stock, having for its members the participating policyholders and such other policyholders, if any, as may be authorized by by-law, and the directors shall take all necessary steps to reorganize the affairs of the company accordingly. Retirement and cancellation of capital stock

21. No change in any by-law of a company described in paragraph 1 shall be made after the sanction of the by-law by the Lieutenant Governor in Council, except by a subsequent by-law of the company made by the directors and confirmed at a special general meeting of the company duly called for that purpose, and no such subsequent by-law becomes effective until sanctioned by the Lieutenant Governor in Council. No change in by-law except with sanction of Lieutenant Governor in Council

22. In this Schedule, "Minister" means the member of the Executive Council charged for the time being by the Lieutenant Governor in Council with the administration of *The Insurance Act*, and "Superintendent" means the Superintendent of Insurance. Interpretation R.S.O. 1960, c. 190

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The Corporations Amendment Act, 1962-63*. Short title

An Act to amend The Corporations Act

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

Mr. YAREMKO

BILL 139

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Corporations Act

MR. YAREMKO

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The Act now prohibits a partner or employee of a director, officer or employee of a corporation from being appointed an auditor of that corporation.

The effect of these amendments is to also prohibit an employer of any such director, officer or employee from being appointed an auditor.

BILL 139

1962-63

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 81 of *The Corporations Act* is amended by inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 81, subs. 1, amended

- (1) Except as provided in subsection 2, no person shall be appointed as auditor of a company who is a director, officer or employee of that company or an affiliated company or who is a partner, employer or employee of any such director, officer or employee. Qualification of auditor

(2) Subsection 2 of the said section 81 is amended by inserting after “company” in the fourth line “or an affiliated company” and by inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 81, subs. 2, amended

- (2) Upon the unanimous vote of the shareholders of a private company present or represented at the meeting at which the auditor is appointed, a director, officer or employee of that company or an affiliated company, or a partner, employer or employee of such director, officer or employee, may be appointed as auditor of that company, if it is not a subsidiary company of a company incorporated by any legislative jurisdiction in Canada which is not a private company within the meaning of this Act. Private companies

(3) Subsection 3 of the said section 81 is amended by inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 81, subs. 3, amended

- (3) A person appointed as auditor under subsection 2 shall indicate in his report to the shareholders on the annual financial statement of the company that Notice

he is a director, officer or employee of the company or a partner, employer or employee of such director, officer or employee.

R.S.O. 1960,
c. 71, s. 87,
amended

2.—(1) Section 87 of *The Corporations Act* is amended by adding thereto the following subsection:

Change in
accounting
practice

- (1a) For the purpose of subsection 1, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period, even though it did not have a material effect upon the profit or loss for the period.

R.S.O. 1960,
c. 71, s. 87,
subs. 2,
amended

(2) Subsection 2 of the said section 87 is amended by adding thereto the following item:

14. Any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon that materially affects the financial statement.

R.S.O. 1960,
c. 71, s. 143,
amended

3. Section 143 of *The Corporations Act* is amended by adding thereto the following subsection:

Use of name

- (4) An insurer may use its name in such form and in such language as the letters patent or supplementary letters patent provide.

R.S.O. 1960,
c. 71, s. 145,
subs. 4,
amended

4. Subsection 4 of section 145 of *The Corporations Act* is amended by striking out "\$5" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "\$1".

R.S.O. 1960,
c. 71, s. 151,
subs. 13,
amended

5. Subsection 13 of section 151 of *The Corporations Act* is amended by inserting after "fire" in the eighth line "property damage insurance, theft insurance or", so that the subsection shall read as follows:

Powers

- (13) The powers of a mutual fire insurance corporation without guarantee capital stock shall be limited to undertaking contracts of fire insurance upon agricultural property, or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*, but may be extended by supplementary letters patent to include, in the case of property that it insures against fire, property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*, but, if such powers are extended to include weather insurance,

R.S.O. 1960,
c. 190

SECTION 2—Subsection 1. The new subsection is designed to clarify the intent of subsection 1, which requires a note to a financial statement of any change, etc., in accounting practices that affects comparability of that statement with previous statements.

Subsection 2. The events and transactions mentioned in the new item 14 will be required to be referred to in the financial statement or in a note thereto in order that shareholders will have up-to-date information.

SECTION 4. The amendment will permit, in the circumstances described in the subsection, the reduction in par value of shares to \$1 or a multiple thereof or allow a similar value to be applied on the creation of an additional class or classes of shares.

SECTION 5. This amendment will permit farm mutual fire insurance companies to extend their coverage of fire insurance to also include the hazards of property damage and theft.

SECTION 6. Section 208 of *The Corporations Act* sets out the investment powers of insurers. These are substantially the same as the investment provisions of the Federal Insurance Acts as they stood prior to 1961. In 1961 the Federal provisions were revised and, in some respects, enlarged to keep pace with changing conditions (see Statutes of Canada, 1960-61, c. 13, ss. 12 and 29-34, and c. 16, ss. 9-14).

The amendments in this section of the Bill are designed to bring the investment powers of Ontario insurers into line with the Federal Acts.

Subsection 1. At present, mortgage bonds are eligible investments only if the security behind them is mortgaged to a trustee. The amendment to clause *h* makes bonds eligible where the security behind them is real estate mortgaged to the insurer making the investment. Also, cash balances in the hands of a trustee will be recognized as one of the classes of assets that may be mortgaged as security for a bond issue.

Subsection 2. At present, equipment trust certificates are eligible investments if they relate to railway equipment. The amendment to clause *i* will also include equipment trust certificates issued to finance the purchase of highway transportation equipment.

Subsection 3. This new clause will allow guaranteed investment certificates as eligible investments if they are issued by a Canadian trust company that meets the specified dividend test, that is to say, a five-year record of dividends at the full rate on its preferred shares or a five-year record of dividends at a rate of at least 4 per cent on its common shares.

all liability for loss in excess of \$100 on any risk covered by weather insurance shall be re-insured with a licensed weather insurance company.

6.—(1) Clause *h* of subsection 2 of section 208 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *h*, re-enacted

(*h*) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to the insurer upon real estate or to a trustee upon any, or upon any combination, of the following assets, bonds, etc., secured by mortgage

- (i) real estate,
- (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
- (iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment.

(2) Clause *i* of subsection 2 of the said section 208 is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *i*, re-enacted

(*i*) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by, equipment trust certificates

- (i) an assignment of the transportation equipment to, or the ownership thereof, by the trustee, and
- (ii) a lease or conditional sale thereof by the trustee to the corporation.

(3) Subsection 2 of the said section 208 is amended by adding thereto the following clause: R.S.O. 1960, c. 71, s. 208, subs. 2, amended

(*ja*) guaranteed investment certificates issued by a trust company incorporated in Canada that, at the date of the investment by the insurer therein, complied with the requirements described in subclause *i* of clause *j* in respect of the payment of dividends. guaranteed investment certificates

R.S.O. 1960,
c. 71, s. 208,
subs. 2, cl. o,
re-enacted

real estate
for the
production
of income

(4) Clause o of subsection 2 of the said section 208 is repealed and the following substituted therefor:

- (o) real estate or leaseholds for the production of income in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer or with any loan company or trust company incorporated in Canada, if,
 - (i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that, at the date of the investment by the insurer therein, complied with the requirements described in subclause i of clause j in respect of the payment of dividends,
 - (ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the insurer in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and
 - (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 1 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

R.S.O. 1960,
c. 71, s. 208,
subs. 3,
amended

(5) Subsection 3 of the said section 208 is amended by inserting after "reorganization" in the second and third lines "or liquidation", so that the subsection shall read as follows:

Securities
received on
reorganiza-
tion, liquida-
tion or
amalgama-
tion

- (3) Where an insurer owns securities of a corporation and where as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under subsection 2, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares, but they shall be allowed as an asset of the insurer in the annual report prepared by the Superintendent for the Minister only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds,

Subsection 4. At the present time, an insurer may join with any other insurer in making an investment in real estate for the production of income where the real estate is leased to a corporation that meets certain dividend requirements. The amendment to clause *o* will enable such investments to be made also jointly with loan companies and trust companies incorporated in Canada, and will increase the maximum limit on any one parcel of real estate from one-half of 1 per cent to 1 per cent of the company's total assets.

Subsection 5. At the present time, an insurer may receive and hold securities that are not otherwise eligible investments where the securities are received in exchange for other securities on the reorganization or amalgamation of a corporation in which it has invested. The amendment extends this authority to include such exchanges arising out of liquidation of a corporation.

Subsection 6. Subsection 4 now provides an area of freedom of investment for a company up to a maximum of 3 per cent of the total assets of the company. The amendment will increase this maximum to 5 per cent.

Subsection 7. This amendment increases from 5 per cent to 10 per cent the maximum investment in real estate for the production of income.

SECTION 7. This amendment reduces the directors' share qualification requirement from shares on which \$1,000 has been paid to shares on which \$500 has been paid.

SECTION 8. The new section 224*a* gives power to a life insurance company having a capital stock to purchase its own shares for the purpose of converting the company into a mutual company.

SECTION 9. The Schedule sets forth the conditions to be complied with and the procedure to be followed in converting a joint stock life insurance company into a mutual company. The Schedule is similar to section 90A of the *Canadian and British Insurance Companies Act*.

debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 2.

(6) Paragraph 3 of subsection 4 of the said section 208 is amended by striking out "3" in the fifth line and inserting in lieu thereof "5". R.S.O. 1960,
c. 71, s. 208,
subs. 4,
par. 3,
amended

(7) Subsection 8 of the said section 208 is amended by striking out "5" in the fourth line and inserting in lieu thereof "10". R.S.O. 1960,
c. 71, s. 208,
subs. 8,
amended

7. Section 223 of *The Corporations Act* is amended by striking out "\$1,000" in the sixth line and inserting in lieu thereof "\$500". R.S.O. 1960,
c. 71, s. 223,
amended

8. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 71,
amended

224a. Notwithstanding anything in the letters patent incorporating the company or in its by-laws, or in this Act, a joint stock life insurance company may, with the permission of the minister charged with the administration of *The Insurance Act*, establish and implement a plan for the conversion of the company into a mutual company by the purchase of shares of the capital stock of the company in accordance with the Schedule to this Act. Conversion
of joint
stock life
companies
into mutual
companies

R.S.O. 1960,
c. 190

9. *The Corporations Act* is amended by adding thereto the following schedule: R.S.O. 1960,
c. 71,
amended

SCHEDULE

CONVERSION OF JOINT STOCK LIFE COMPANIES INTO MUTUAL COMPANIES

1. The terms and provisions of any plan referred to in section 224a of *The Corporations Act* shall be set forth in detail in a by-law made by the directors and confirmed at a special general meeting of the company duly called for the purpose of considering the by-law, and there shall be recorded in the minutes of the meeting the number of votes for and the number of votes against confirmation of the by-law, the votes of shareholders and the votes of policyholders being recorded separately. Details of
plan to be
set forth
in by-law

R.S.O. 1960,
c. 71

2. No such by-law becomes effective until sanctioned by the Lieutenant Governor in Council, and in no case shall any such by-law be sanctioned unless the Lieutenant Governor in Council is satisfied that, Sanction of
by-law by
Lieutenant
Governor in
Council

(a) the conversion of the company into a mutual company may reasonably be expected to be achieved under the terms of the by-law and in accordance with this paragraph;

- (b) the paid-up capital of the company has ceased to be an important factor in safeguarding the interests of the policyholders of the company, having regard to the quality and amount of the assets of the company, the surplus of the company relative to its liabilities, the nature of the business carried on by the company and any other considerations deemed by the Lieutenant Governor in Council to be relevant;
- (c) the majority of the votes cast by shareholders and the majority of the votes cast by policyholders at the special general meeting referred to in paragraph 1, whether in person or by proxy, were in favour of confirmation of the by-law;
- (d) the company holds offers from shareholders, in such terms as to preclude the withdrawal thereof prior to notice by the company in accordance with paragraph 13, to sell to the company, at a price fixed by the directors, not less than 25 per cent of all issued and outstanding shares of the capital stock of the company immediately upon the sanction of the by-law by the Lieutenant Governor in Council, or not less than 50 per cent of all issued and outstanding shares of the capital stock of the company within such period, commencing immediately upon the sanction of the by-law by the Lieutenant Governor in Council, as is specified in the by-law;
- (e) the amount required to purchase 25 per cent of the issued and outstanding shares of the capital stock of the company at the price fixed by the directors for the purposes of clause *d* does not exceed the maximum amount, determined in accordance with paragraph 9, that may be applied by the company, immediately upon the sanction of the by-law by the Lieutenant Governor in Council, in payment for shares purchased under the terms of the by-law; and
- (f) the price fixed by the directors for the purposes of clause *d* is fair and reasonable in the circumstances.

Prices to be paid for shares purchased under by-law

3. Upon the sanction of the by-law by the Lieutenant Governor in Council, the price fixed for the purposes of clause *d* of paragraph 2 shall continue to be the price that may be paid for shares purchased under the terms of the by-law until such price is changed by the directors in accordance with paragraph 4.

Change in price, when effective

4. The directors may from time to time change the price to be paid for shares purchased under the terms of the by-law, but no such change becomes effective until approved by the Minister on the report of the Superintendent.

Period for which price to remain in effect

5. The price fixed for the purposes of clause *d* of paragraph 2 and any subsequent change in price approved in accordance with paragraph 4 shall remain in effect for a period of not less than six months from the date of sanction of the by-law or the date of approval by the Minister, as the case may be.

Payment

6. All shares purchased under the terms of the by-law shall be paid for by the company in full at the time of the purchase thereof, but nothing in this paragraph shall be construed as prohibiting the company from applying, in payment for any shares so purchased, the full amount of the purchase price thereof by promissory note, payable at a fixed or determinable future time not later than ten years from the date of the making thereof and bearing a rate of interest fixed by the directors and approved by the Minister on the report of the Superintendent.

Date for commencement of purchase of shares

7. The by-law shall fix a day for the commencement of purchase of shares under the terms of the by-law, which day shall be not sooner than the day following the day the by-law is sanctioned by the Lieutenant Governor in Council.

8. Subject to paragraph 9, the company shall purchase all shares ^{Purchase of} offered for sale under the terms of the by-law on the day or days fixed by ^{shares} the terms of the offer in each case for the sale of those shares and at the ^{offered for} price in effect on the day the offer was received or the day fixed by the by-law for the purposes of paragraph 7, whichever is the later, except that no such purchase shall be made prior to the day so fixed by the by-law.

9. Notwithstanding anything in this Schedule, the maximum amount ^{Limitation} that may be applied by the company at any particular time in payment for shares purchased under the terms of the by-law is the amount by which,

- (a) the aggregate of the surplus and general or contingency reserves of the company, after deducting the excess of the book value over the par value of any shares purchased under the terms of the by-law on or before the date as of which the condition and affairs of the company are required to be shown in the most recent annual statement as required by *The Corporations Act*,

R.S.O. 1960,
c. 71

exceeds the aggregate of,

- (b) 6 per cent of the total assets of the company, or such lesser percentage of the total assets of the company as may be approved by the Lieutenant Governor in Council, upon application by the company, as safe and reasonable in the circumstances having regard to the bases and methods used in the computation of the policy reserves of the company, the quality of its assets, the nature of the business transacted by the company, the earnings of the company and any other matters deemed by the Lieutenant Governor in Council to be relevant thereto; and
- (c) the total amount applied by the company before that particular time in payment for any shares purchased under the terms of the by-law after the date referred to in clause a.

10. For the purposes of paragraph 9, the assets, surplus and general ^{Idem} or contingency reserves of the company and the book value of any shares purchased under the terms of the by-law shall be taken as shown in the annual statement referred to in clause a of paragraph 9.

11. Where, by reason of paragraph 9, the company may, at any ^{Number of} particular time, purchase some but not all of the shares in respect of which ^{shares to be} offers for sale at that time have been received, the amount that may be ^{purchased} applied by the company at that time in payment for shares purchased ^{from each} under the terms of the by-law shall be applied by the company by appor- ^{shareholder} tionment among all of the shares so offered for sale at that time, or any ^{offering} of them, in such manner as is specified in the by-law.

12. The company shall cause a register to be kept in which shall be ^{Register to} recorded the offers for sale of shares under the terms of the by-law ^{be kept} in the order in which such offers are received by the company, showing, in respect of each such offer,

- (a) the date of receipt by the company of the offer;
- (b) the name and address of the shareholder making the offer;
- (c) the number of shares so offered by the shareholder making the offer and the day or days fixed by the terms of the offer for the sale of those shares;
- (d) the price at which each of the shares so offered may be purchased;
- (e) the date of purchase, if any, of each of the shares so offered and the number of shares purchased; and
- (f) the date of withdrawal, if any, of the offer and the number of shares affected thereby.

Notice to
shareholders
of discon-
tinuation of
purchases

13. Where, by reason of paragraph 9, the company is required to discontinue the purchase of shares under the terms of the by-law, the company shall give notice of such discontinuation to each shareholder on the register whose offer for the sale of shares has not been fully taken up by the company, but any such offer as regards shares not so purchased shall continue to be effective and shall maintain its place on the register until withdrawn by the shareholder by notice in writing to the company.

Shares
purchased:
general

14. Where the company has purchased any shares of the capital stock of the company under the terms of the by-law,

- (a) the number of policyholders' directors of the company shall at all times thereafter be not less than,
 - (i) one-third of the total number of directors, or
 - (ii) that proportion of the total number of directors, as nearly as may be, that the total number of shares purchased under the terms of the by-law is of the total number of shares outstanding immediately prior to the sanction of the by-law by the Lieutenant Governor in Council,

whichever is the greater, except that nothing in this clause shall be held to require an increase in the number of policyholders' directors except as vacancies occur among the shareholders' directors;

- (b) the company shall not thereafter sell any of the shares so purchased, issue any new capital stock or make any calls on shares of the capital stock subscribed;
- (c) any dividends thereafter payable to shareholders shall be at a rate not less than the average rate paid in the three years immediately preceding the sanction of the by-law by the Lieutenant Governor in Council, unless the company establishes to the satisfaction of the Minister that a reduction therein is justified by reason of the earnings and general financial condition of the company; and
- (d) shares purchased under the terms of the by-law rank equally with other shares in the declaration of dividends to shareholders, but any dividends that may be payable in respect of shares so purchased shall be paid by transfer of the applicable amount from the shareholders' account to the insurance funds of the company.

Idem

15. In respect of each share purchased under the terms of the by-law, until the capital stock of the company has been cancelled in accordance with paragraph 20,

- (a) the company may include in its assets shown in the annual statement required by *The Corporations Act* an amount not exceeding the purchase price of the share, minus one-fifth of the excess of the purchase price over the par value thereof for each complete year that has elapsed since the date of purchase of the share; and
- (b) the policyholders' directors shall have additional voting rights corresponding to the voting rights that might have been exercised by the holder of the share if he had not sold it, and, unless the by-law otherwise provides, such additional voting rights shall be divided as nearly as may be equally among the policyholders' directors, and the remainder, if any, shall be exercised by such one of the policyholders' directors as is designated for the purpose by resolution of all of the directors.

Notice where
90 per cent
or more of
shares
acquired by
company

16. At such time as the company first acquires 90 per cent or more of the shares of its capital stock, it shall notify the Minister and each of the remaining shareholders of the company to that effect, and, for the

purposes of this paragraph, notice to any shareholder shall be deemed to have been given by the company if the company has forwarded to him by registered mail, at his address shown in the book or books in which the names of the shareholders of the company are recorded, the notice required by this paragraph.

17. The notice required by paragraph 16 to be given to each of the remaining shareholders of the company shall request each such shareholder to offer his shares for sale forthwith to the company, and shall state therein the substance of paragraph 18. Contents of notice

18. All shares of a shareholder remaining outstanding at the expiration of six months from the date of the notice required by paragraph 16, or at the expiration of such further period as may be required by reason of paragraph 9, shall, upon tender by the company to the shareholder of an amount equal to the price in effect, Acquisition of remaining shares by company

(a) in the case of shares in respect of which any offer for sale was received by the company prior to the date of the notice, on the day the offer was received; or

(b) in the case of any other shares, on the date of the notice,

be deemed to have been purchased by the company, and, for the purposes of this paragraph, tender shall be deemed to have been made to a shareholder by the company if made to him in person or by registered mail forwarded to him at his address shown in the book or books referred to in paragraph 16.

19. Where tender of an amount in accordance with paragraph 18 has been made and the amount so tendered has not been accepted, the amount so tendered shall be retained by the company for payment to the person entitled thereto, and until so paid shall be shown on the books of the company as a liability. Amount tendered to be retained for payment

20. Where the company has purchased or is deemed by paragraph 18 to have purchased all of the shares of the capital stock of the company and the shares have been written down in the books of the company to their par value, the capital stock of the company shall thereupon be retired and cancelled by resolution of the board of directors, and the company shall then become a mutual company without capital stock, having for its members the participating policyholders and such other policyholders, if any, as may be authorized by by-law, and the directors shall take all necessary steps to reorganize the affairs of the company accordingly. Retirement and cancellation of capital stock

21. No change in any by-law of a company described in paragraph 1 shall be made after the sanction of the by-law by the Lieutenant Governor in Council, except by a subsequent by-law of the company made by the directors and confirmed at a special general meeting of the company duly called for that purpose, and no such subsequent by-law becomes effective until sanctioned by the Lieutenant Governor in Council. No change in by-law except with sanction of Lieutenant Governor in Council

22. In this Schedule, "Minister" means the member of the Executive Council charged for the time being by the Lieutenant Governor in Council with the administration of *The Insurance Act*, and "Superintendent" means the Superintendent of Insurance. Interpretation
R.S.O. 1960,
c. 190

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Corporations Amendment Act, 1962-63*. Short title

An Act to amend The Corporations Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

MR. YAREMKO

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 139

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Corporations Act

MR. YAREMKO



An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 81 of *The Corporations Act* ^{R.S.O. 1960, c. 71, s. 81, subs. 1, amended} is amended by inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows:

- (1) Except as provided in subsection 2, no person shall ^{Qualification of auditor} be appointed as auditor of a company who is a director, officer or employee of that company or an affiliated company or who is a partner, employer or employee of any such director, officer or employee.

(2) Subsection 2 of the said section 81 is amended by ^{R.S.O. 1960, c. 71, s. 81, subs. 2, amended} inserting after “company” in the fourth line “or an affiliated company” and by inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows:

- (2) Upon the unanimous vote of the shareholders of a ^{Private companies} private company present or represented at the meeting at which the auditor is appointed, a director, officer or employee of that company or an affiliated company, or a partner, employer or employee of such director, officer or employee, may be appointed as auditor of that company, if it is not a subsidiary company of a company incorporated by any legislative jurisdiction in Canada which is not a private company within the meaning of this Act.

(3) Subsection 3 of the said section 81 is amended by ^{R.S.O. 1960, c. 71, s. 81, subs. 3, amended} inserting after “partner” in the fourth line “employer”, so that the subsection shall read as follows:

- (3) A person appointed as auditor under subsection 2 ^{Notice} shall indicate in his report to the shareholders on the annual financial statement of the company that

he is a director, officer or employee of the company or a partner, employer or employee of such director, officer or employee.

R.S.O. 1960,
c. 71, s. 87,
amended

2.—(1) Section 87 of *The Corporations Act* is amended by adding thereto the following subsection:

Change in
accounting
practice

(1a) For the purpose of subsection 1, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period, even though it did not have a material effect upon the profit or loss for the period.

R.S.O. 1960
c. 71, s. 87,
subs. 2,
amended

(2) Subsection 2 of the said section 87 is amended by adding thereto the following item:

14. Any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon that materially affects the financial statement.

R.S.O. 1960,
c. 71, s. 143,
amended

3. Section 143 of *The Corporations Act* is amended by adding thereto the following subsection:

Use of name

(4) An insurer may use its name in such form and in such language as the letters patent or supplementary letters patent provide.

R.S.O. 1960,
c. 71, s. 145,
subs. 4,
amended

4. Subsection 4 of section 145 of *The Corporations Act* is amended by striking out "\$5" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "\$1".

R.S.O. 1960,
c. 71, s. 151,
subs. 13,
amended

5. Subsection 13 of section 151 of *The Corporations Act* is amended by inserting after "fire" in the eighth line "property damage insurance, theft insurance or", so that the subsection shall read as follows:

Powers

(13) The powers of a mutual fire insurance corporation without guarantee capital stock shall be limited to undertaking contracts of fire insurance upon agricultural property, or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*, but may be extended by supplementary letters patent to include, in the case of property that it insures against fire, property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*, but, if such powers are extended to include weather insurance,

R.S.O. 1960,
c. 190

all liability for loss in excess of \$100 on any risk covered by weather insurance shall be re-insured with a licensed weather insurance company.

6.—(1) Clause *h* of subsection 2 of section 208 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 71, s. 208,
subs. 2, cl. *h*,
re-enacted

(*h*) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to the insurer upon real estate or to a trustee upon any, or upon any combination, of the following assets, bonds, etc.,
secured by
mortgage

- (i) real estate,
- (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
- (iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment.

(2) Clause *i* of subsection 2 of the said section 208 is repealed and the following substituted therefor: R.S.O. 1960,
c. 71, s. 208,
subs. 2, cl. *i*,
re-enacted

(*i*) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by, equipment
trust
certificates

- (i) an assignment of the transportation equipment to, or the ownership thereof, by the trustee, and
- (ii) a lease or conditional sale thereof by the trustee to the corporation.

(3) Subsection 2 of the said section 208 is amended by adding thereto the following clause: R.S.O. 1960,
c. 71, s. 208,
subs. 2,
amended

(*ja*) guaranteed investment certificates issued by a trust company incorporated in Canada that, at the date of the investment by the insurer therein, complied with the requirements described in subclause *i* of clause *j* in respect of the payment of dividends. guaranteed
investment
certificates

R.S.O. 1960,
c. 71, s. 208,
subs. 2, cl. o,
re-enacted

(4) Clause o of subsection 2 of the said section 208 is repealed and the following substituted therefor:

real estate
for the
production
of income

(o) real estate or leaseholds for the production of income in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer or with any loan company or trust company incorporated in Canada, if,

(i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that, at the date of the investment by the insurer therein, complied with the requirements described in subclause i of clause j in respect of the payment of dividends,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the insurer in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 1 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

R.S.O. 1960,
c. 71, s. 208,
subs. 3,
amended

(5) Subsection 3 of the said section 208 is amended by inserting after "reorganization" in the second and third lines "or liquidation", so that the subsection shall read as follows:

Securities
received on
reorganiza-
tion, liquida-
tion or
amalgama-
tion

(3) Where an insurer owns securities of a corporation and where as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under subsection 2, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares, but they shall be allowed as an asset of the insurer in the annual report prepared by the Superintendent for the Minister only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds,

debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 2.

(6) Paragraph 3 of subsection 4 of the said section 208 is amended by striking out "3" in the fifth line and inserting in lieu thereof "5". R.S.O. 1960, c. 71, s. 208, subs. 4, par. 3, amended

(7) Subsection 8 of the said section 208 is amended by striking out "5" in the fourth line and inserting in lieu thereof "10". R.S.O. 1960, c. 71, s. 208, subs. 8, amended

7. Section 223 of *The Corporations Act* is amended by striking out "\$1,000" in the sixth line and inserting in lieu thereof "\$500". R.S.O. 1960, c. 71, s. 223, amended

8. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 71, amended

224a. Notwithstanding anything in the letters patent incorporating the company or in its by-laws, or in this Act, a joint stock life insurance company may, with the permission of the minister charged with the administration of *The Insurance Act*, establish and implement a plan for the conversion of the company into a mutual company by the purchase of shares of the capital stock of the company in accordance with the Schedule to this Act. Conversion of joint stock life companies into mutual companies
R.S.O. 1960, c. 190

9. *The Corporations Act* is amended by adding thereto the following schedule: R.S.O. 1960, c. 71, amended

SCHEDULE

CONVERSION OF JOINT STOCK LIFE COMPANIES INTO MUTUAL COMPANIES

1. The terms and provisions of any plan referred to in section 224a of *The Corporations Act* shall be set forth in detail in a by-law made by the directors and confirmed at a special general meeting of the company duly called for the purpose of considering the by-law, and there shall be recorded in the minutes of the meeting the number of votes for and the number of votes against confirmation of the by-law, the votes of shareholders and the votes of policyholders being recorded separately. Details of plan to be set forth in by-law
R.S.O. 1960, c. 71

2. No such by-law becomes effective until sanctioned by the Lieutenant Governor in Council, and in no case shall any such by-law be sanctioned unless the Lieutenant Governor in Council is satisfied that, Sanction of by-law by Lieutenant Governor in Council

(a) the conversion of the company into a mutual company may reasonably be expected to be achieved under the terms of the by-law and in accordance with this paragraph;

- (b) the paid-up capital of the company has ceased to be an important factor in safeguarding the interests of the policyholders of the company, having regard to the quality and amount of the assets of the company, the surplus of the company relative to its liabilities, the nature of the business carried on by the company and any other considerations deemed by the Lieutenant Governor in Council to be relevant;
- (c) the majority of the votes cast by shareholders and the majority of the votes cast by policyholders at the special general meeting referred to in paragraph 1, whether in person or by proxy, were in favour of confirmation of the by-law;
- (d) the company holds offers from shareholders, in such terms as to preclude the withdrawal thereof prior to notice by the company in accordance with paragraph 13, to sell to the company, at a price fixed by the directors, not less than 25 per cent of all issued and outstanding shares of the capital stock of the company immediately upon the sanction of the by-law by the Lieutenant Governor in Council, or not less than 50 per cent of all issued and outstanding shares of the capital stock of the company within such period, commencing immediately upon the sanction of the by-law by the Lieutenant Governor in Council, as is specified in the by-law;
- (e) the amount required to purchase 25 per cent of the issued and outstanding shares of the capital stock of the company at the price fixed by the directors for the purposes of clause *d* does not exceed the maximum amount, determined in accordance with paragraph 9, that may be applied by the company, immediately upon the sanction of the by-law by the Lieutenant Governor in Council, in payment for shares purchased under the terms of the by-law; and
- (f) the price fixed by the directors for the purposes of clause *d* is fair and reasonable in the circumstances.

Prices to be paid for shares purchased under by-law

3. Upon the sanction of the by-law by the Lieutenant Governor in Council, the price fixed for the purposes of clause *d* of paragraph 2 shall continue to be the price that may be paid for shares purchased under the terms of the by-law until such price is changed by the directors in accordance with paragraph 4.

Change in price, when effective

4. The directors may from time to time change the price to be paid for shares purchased under the terms of the by-law, but no such change becomes effective until approved by the Minister on the report of the Superintendent.

Period for which price to remain in effect

5. The price fixed for the purposes of clause *d* of paragraph 2 and any subsequent change in price approved in accordance with paragraph 4 shall remain in effect for a period of not less than six months from the date of sanction of the by-law or the date of approval by the Minister, as the case may be.

Payment

6. All shares purchased under the terms of the by-law shall be paid for by the company in full at the time of the purchase thereof, but nothing in this paragraph shall be construed as prohibiting the company from applying, in payment for any shares so purchased, the full amount of the purchase price thereof by promissory note, payable at a fixed or determinable future time not later than ten years from the date of the making thereof and bearing a rate of interest fixed by the directors and approved by the Minister on the report of the Superintendent.

Date for commencement of purchase of shares

7. The by-law shall fix a day for the commencement of purchase of shares under the terms of the by-law, which day shall be not sooner than the day following the day the by-law is sanctioned by the Lieutenant Governor in Council.

8. Subject to paragraph 9, the company shall purchase all shares offered for sale under the terms of the by-law on the day or days fixed by the terms of the offer in each case for the sale of those shares and at the price in effect on the day the offer was received or the day fixed by the by-law for the purposes of paragraph 7, whichever is the later, except that no such purchase shall be made prior to the day so fixed by the by-law. Purchase of shares offered for sale

9. Notwithstanding anything in this Schedule, the maximum amount that may be applied by the company at any particular time in payment for shares purchased under the terms of the by-law is the amount by which, Limitation

- (a) the aggregate of the surplus and general or contingency reserves of the company, after deducting the excess of the book value over the par value of any shares purchased under the terms of the by-law on or before the date as of which the condition and affairs of the company are required to be shown in the most recent annual statement as required by *The Corporations Act*,

R.S.O. 1960,
c. 71

exceeds the aggregate of,

- (b) 6 per cent of the total assets of the company, or such lesser percentage of the total assets of the company as may be approved by the Lieutenant Governor in Council, upon application by the company, as safe and reasonable in the circumstances having regard to the bases and methods used in the computation of the policy reserves of the company, the quality of its assets, the nature of the business transacted by the company, the earnings of the company and any other matters deemed by the Lieutenant Governor in Council to be relevant thereto; and
- (c) the total amount applied by the company before that particular time in payment for any shares purchased under the terms of the by-law after the date referred to in clause a.

10. For the purposes of paragraph 9, the assets, surplus and general or contingency reserves of the company and the book value of any shares purchased under the terms of the by-law shall be taken as shown in the annual statement referred to in clause a of paragraph 9. Idem

11. Where, by reason of paragraph 9, the company may, at any particular time, purchase some but not all of the shares in respect of which offers for sale at that time have been received, the amount that may be applied by the company at that time in payment for shares purchased under the terms of the by-law shall be applied by the company by apportionment among all of the shares so offered for sale at that time, or any of them, in such manner as is specified in the by-law. Number of shares to be purchased from each shareholder offering shares

12. The company shall cause a register to be kept in which shall be recorded the offers for sale of shares under the terms of the by-law in the order in which such offers are received by the company, showing, in respect of each such offer, Register to be kept

- (a) the date of receipt by the company of the offer;
- (b) the name and address of the shareholder making the offer;
- (c) the number of shares so offered by the shareholder making the offer and the day or days fixed by the terms of the offer for the sale of those shares;
- (d) the price at which each of the shares so offered may be purchased;
- (e) the date of purchase, if any, of each of the shares so offered and the number of shares purchased; and
- (f) the date of withdrawal, if any, of the offer and the number of shares affected thereby.

Notice to
shareholders
of discontinuation of
purchases

13. Where, by reason of paragraph 9, the company is required to discontinue the purchase of shares under the terms of the by-law, the company shall give notice of such discontinuation to each shareholder on the register whose offer for the sale of shares has not been fully taken up by the company, but any such offer as regards shares not so purchased shall continue to be effective and shall maintain its place on the register until withdrawn by the shareholder by notice in writing to the company.

Shares
purchased:
general

14. Where the company has purchased any shares of the capital stock of the company under the terms of the by-law,

(a) the number of policyholders' directors of the company shall at all times thereafter be not less than,

(i) one-third of the total number of directors, or

(ii) that proportion of the total number of directors, as nearly as may be, that the total number of shares purchased under the terms of the by-law is of the total number of shares outstanding immediately prior to the sanction of the by-law by the Lieutenant Governor in Council,

whichever is the greater, except that nothing in this clause shall be held to require an increase in the number of policyholders' directors except as vacancies occur among the shareholders' directors;

(b) the company shall not thereafter sell any of the shares so purchased, issue any new capital stock or make any calls on shares of the capital stock subscribed;

(c) any dividends thereafter payable to shareholders shall be at a rate not less than the average rate paid in the three years immediately preceding the sanction of the by-law by the Lieutenant Governor in Council, unless the company establishes to the satisfaction of the Minister that a reduction therein is justified by reason of the earnings and general financial condition of the company; and

(d) shares purchased under the terms of the by-law rank equally with other shares in the declaration of dividends to shareholders, but any dividends that may be payable in respect of shares so purchased shall be paid by transfer of the applicable amount from the shareholders' account to the insurance funds of the company.

Idem

15. In respect of each share purchased under the terms of the by-law, until the capital stock of the company has been cancelled in accordance with paragraph 20,

R.S.O. 1960,
c. 71

(a) the company may include in its assets shown in the annual statement required by *The Corporations Act* an amount not exceeding the purchase price of the share, minus one-fifth of the excess of the purchase price over the par value thereof for each complete year that has elapsed since the date of purchase of the share; and

(b) the policyholders' directors shall have additional voting rights corresponding to the voting rights that might have been exercised by the holder of the share if he had not sold it, and, unless the by-law otherwise provides, such additional voting rights shall be divided as nearly as may be equally among the policyholders' directors, and the remainder, if any, shall be exercised by such one of the policyholders' directors as is designated for the purpose by resolution of all of the directors.

Notice where
90 per cent
or more of
shares
acquired by
company

16. At such time as the company first acquires 90 per cent or more of the shares of its capital stock, it shall notify the Minister and each of the remaining shareholders of the company to that effect, and, for the

purposes of this paragraph, notice to any shareholder shall be deemed to have been given by the company if the company has forwarded to him by registered mail, at his address shown in the book or books in which the names of the shareholders of the company are recorded, the notice required by this paragraph.

17. The notice required by paragraph 16 to be given to each of the remaining shareholders of the company shall request each such shareholder to offer his shares for sale forthwith to the company, and shall state therein the substance of paragraph 18. Contents of notice

18. All shares of a shareholder remaining outstanding at the expiration of six months from the date of the notice required by paragraph 16, or at the expiration of such further period as may be required by reason of paragraph 9, shall, upon tender by the company to the shareholder of an amount equal to the price in effect, Acquisition of remaining shares by company

(a) in the case of shares in respect of which any offer for sale was received by the company prior to the date of the notice, on the day the offer was received; or

(b) in the case of any other shares, on the date of the notice,

be deemed to have been purchased by the company, and, for the purposes of this paragraph, tender shall be deemed to have been made to a shareholder by the company if made to him in person or by registered mail forwarded to him at his address shown in the book or books referred to in paragraph 16.

19. Where tender of an amount in accordance with paragraph 18 has been made and the amount so tendered has not been accepted, the amount so tendered shall be retained by the company for payment to the person entitled thereto, and until so paid shall be shown on the books of the company as a liability. Amount tendered to be retained for payment

20. Where the company has purchased or is deemed by paragraph 18 to have purchased all of the shares of the capital stock of the company and the shares have been written down in the books of the company to their par value, the capital stock of the company shall thereupon be retired and cancelled by resolution of the board of directors, and the company shall then become a mutual company without capital stock, having for its members the participating policyholders and such other policyholders, if any, as may be authorized by by-law, and the directors shall take all necessary steps to reorganize the affairs of the company accordingly. Retirement and cancellation of capital stock

21. No change in any by-law of a company described in paragraph 1 shall be made after the sanction of the by-law by the Lieutenant Governor in Council, except by a subsequent by-law of the company made by the directors and confirmed at a special general meeting of the company duly called for that purpose, and no such subsequent by-law becomes effective until sanctioned by the Lieutenant Governor in Council. No change in by-law except with sanction of Lieutenant Governor in Council

22. In this Schedule, "Minister" means the member of the Executive Council charged for the time being by the Lieutenant Governor in Council with the administration of *The Insurance Act*, and "Superintendent" means the Superintendent of Insurance. Interpretation R.S.O. 1960, c. 190

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Corporations Amendment Act, 1962-63*. Short title

An Act to amend The Corporations Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. YAREMKO

BILL 140

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Vital Statistics Act

MR. YAREMKO

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1—Subsection 1. Complementary to subsection 2.

Subsection 2. These new provisions will permit the registration of the birth of a child born in the circumstances set out without the necessity of obtaining a court order.

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, R.S.O. 1960, c. 419, s. 6, as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, subs. 4 (1960-61, c. 102, s. 1), amended is amended by striking out “subsection 4a” in the first line and inserting in lieu thereof “subsections 4a and 4c”, so that the subsection shall read as follows:

- (4) Except as provided in subsections 4a and 4c, the birth of a child of a married woman shall be registered Birth of child to married woman showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.

(2) The said section 6, as amended by section 1 of *The Vital Statistics Amendment Act, 1960-61*, R.S.O. 1960, c. 419, s. 6, amended is further amended by adding thereto the following subsections:

- (4c) Where a married woman to whom a child is born files with the division registrar a statutory declaration Further alternative procedure in certain cases in the prescribed form,
- (a) that when the child was conceived she was living separate and apart from her husband;
 - (b) that her husband is not the father of the child;
 - (c) that she is commonly known under the surname of the father of the child; and
 - (d) that she was living separate and apart from her husband for at least one year before the birth of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to

be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

Amendment
of
registration

(4d) If the request referred to in subsection 4c is made after the registration of the birth, the Registrar General shall amend the registration in accordance with the request.

R.S.O. 1960,
c. 419, s. 23,
repealed

2. Section 23 of *The Vital Statistics Act* is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Vital Statistics Amendment Act, 1962-63*.

SECTION 2. Section 23, which requires a cemetery owner to make monthly returns to the Registrar General of burials during the previous month, no longer serves any useful purpose. It is therefore repealed.

An Act to amend The Vital Statistics Act

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

MR. YAREMKO

BILL 140

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Vital Statistics Act

MR. YAREMKO



BILL 140

1962-63

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, R.S.O. 1960, c. 419, s. 6, as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, subs. 4 (1960-61, c. 102, s. 1), amended is amended by striking out “subsection 4a” in the first line and inserting in lieu thereof “subsections 4a and 4c”, so that the subsection shall read as follows:

- (4) Except as provided in subsections 4a and 4c, the birth of a child of a married woman shall be registered Birth of child to married woman showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.

(2) The said section 6, as amended by section 1 of *The Vital Statistics Amendment Act, 1960-61*, R.S.O. 1960, c. 419, s. 6, amended is further amended by adding thereto the following subsections:

- (4c) Where a married woman to whom a child is born files with the division registrar a statutory declaration Further alternative procedure in certain cases in the prescribed form,
- (a) that when the child was conceived she was living separate and apart from her husband;
 - (b) that her husband is not the father of the child;
 - (c) that she is commonly known under the surname of the father of the child; and
 - (d) that she was living separate and apart from her husband for at least one year before the birth of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to

be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

Amendment
of
registration

(4d) If the request referred to in subsection 4c is made after the registration of the birth, the Registrar General shall amend the registration in accordance with the request.

R.S.O. 1960,
c. 419, s. 23,
repealed

2. Section 23 of *The Vital Statistics Act* is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Vital Statistics Amendment Act, 1962-63*.

An Act to amend The Vital Statistics Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. YAREMKO

BILL 141

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Corporations Tax Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The re-enactment of subsection 35 of section 4 of *The Corporations Tax Act* widens the basis for the measurement of the deduction from the tax otherwise payable under this Act by corporations who receive income in the form of dividends, interest, rents and royalties from jurisdictions outside Canada so that such corporations will be allowed to deduct any portion of a foreign tax credit they are not entitled to deduct under the *Income Tax Act* (Canada) by reason of the provincial tax credit being allowed under that Act.

BILL 141

1962-63

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 35 of section 4 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 4, subs. 35, re-enacted

- (35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada, hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1a of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income, the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of, R.S.C. 1952, c. 148 Foreign tax credits

- (a) 9 per cent of that part of such foreign investment income that is included in that portion

of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or

- (b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,

- (i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

- (ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

R.S.O. 1960,
c. 73, s. 4,
subs. 36,
repealed

- (2) Subsection 36 of the said section 4, as amended by section 1 of *The Corporations Tax Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 73, s. 4,
amended

- (3) The said section 4 is amended by adding thereto the following subsections:

Logging
tax credit

- (36) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to one-third of the tax payable by the corporation for the same fiscal year under *The Logging Tax Act*.

R.S.O. 1960,
c. 224

Interpre-
tation

- (36a) In subsection 36, "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under this section after making any deduction applicable under subsection 2.

Subsection 2. Subsection 36 of section 4, which is repealed, provided special provisions for the allocation of the taxes on income payable by corporations in Quebec and Ontario because the allocation provisions of the Quebec Act differed from those of Ontario and all other provinces. The subsection is no longer required because Quebec amended its allocation provisions effective for fiscal years of corporations that ended in 1961 to agree with those of Ontario and all other provinces.

Subsection 3. This subsection provides a tax credit against the tax otherwise payable under this Act by a logging company of one-third of the tax payable by that company under *The Logging Tax Act*. This complements the tax credit of two-thirds of such logging tax now being allowed as a tax credit to that corporation under the *Income Tax Act* (Canada).

SECTION 2. The new clause *j* provides that under certain conditions amounts received in consideration of the disposition of oil or gas production rights or exploration rights shall be included in income. This amendment is consequential upon the amendment provided by section 8 of this Bill.

SECTION 3—Subsection 1. Clause *l* is amended by adding the words “or by section 47*a*” which permits the deduction in computing income of an additional 50 per cent of certain amounts expended on scientific research. This is consequential upon the amendment provided by section 7 of this Bill.

Subsection 2. This amendment deletes a reference to logging operations. This is consequential upon the amendment provided by subsection 3 of section 1 of this Bill which introduces a tax credit for logging taxes payable to Ontario.

SECTION 4. This amendment, which adds the words “property leased to a subsidiary-controlled corporation subsidiary to it or” to the former subsection, broadens the conditions under which a holding company may deduct certain expenses to cover the situation where part of the assets of the holding company consists of property that is leased to its subsidiary-controlled corporation.

SECTION 5. This amendment brings into *The Corporations Tax Act* a section, which has been effective in the *Income Tax Act* (Canada) from its commencement, allowing a deduction from a corporation's income of that portion of the dividend received from a non-resident corporation that the income, subject to tax under subsection 2 of section 2 of the *Income Tax Act* (Canada), bears to the total income of the non-resident corporation.

2. Section 17 of *The Corporations Tax Act*, as amended by R.S.O. 1960, c. 73, s. 17, amended section 5 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *h* in the amendment of 1961-62, by adding "and" at the end of clause *i* in the amendment of 1961-62, and by adding thereto the following clause:

- (j) amounts received by the corporation in the fiscal year in consideration for the disposition of a right, licence or privilege to explore for, drill for or take petroleum or natural gas in Canada, as provided by subsection 4*b* or 4*c* of section 57.

3.—(1) Clause *l* of subsection 1 of section 22 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *l*, re-enacted

- (*l*) such amount in respect of expenditures on scientific research as is permitted by section 47 or by section 47*a*.

(2) Clause *p* of subsection 1 of the said section 22 is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *p*, re-enacted

- (*p*) such amount in respect of taxes on income for the fiscal year from mining operations as is permitted by the regulations.

4. Subsection 4 of section 23 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 23, subs. 4, re-enacted

- (4) Clause *c* of subsection 1 does not apply in respect of an outlay or expense made or incurred by a corporation, at a time when more than 50 per cent of its property consisted of property leased to a subsidiary-controlled corporation subsidiary to it or shares in the capital stock of, bonds, debentures, mortgages or hypothecs of or bills or notes of a subsidiary-controlled corporation subsidiary to it, for the purpose of gaining or producing income in the form of dividends from any such corporation or in connection with property in the form of shares in the capital stock thereof.

5. Section 40 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 40, amended

- (1*a*) Where a corporation in a fiscal year received a dividend from a non-resident corporation that is taxable under subsection 2 of section 2 of the *Income Tax Act* (Canada) for that year, the corporation

shall deduct from its income for the same fiscal year the same amount in respect of such dividend as the corporation was allowed to deduct under subsection 10 of section 28 of the *Income Tax Act* (Canada).

R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. a,
amended

6.—(1) Clause *a* of subsection 1 of section 47 of *The Corporations Tax Act*, as amended by subsection 1 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out “and” at the end of subclause iv in the amendment of 1961-62 and by adding thereto the following subclause:

- (v) by payments to a corporation resident in Canada for scientific research related to the business of the corporation; and

.

R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 47, as amended by subsection 2 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out “the lesser of” in the first line and inserting in lieu thereof “such amount as may be claimed by the corporation not exceeding the lesser of”, so that the clause, exclusive of the subclauses, shall read as follows:

- (b) such amount as may be claimed by the corporation not exceeding the lesser of,

.

R.S.O. 1960,
c. 73, s. 47,
subss. 2
(1961-62,
c. 23, s. 16,
subs. 3), 3,
re-enacted

(3) Subsection 2, as re-enacted by subsection 3 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, and subsection 3 of the said section 47 are repealed and the following substituted therefor:

Determina-
tion of
what
constitutes
scientific
research

- (2) The determination of whether any particular activity constitutes scientific research will be the same as the determination of the Minister of National Revenue under subsection 2 of section 72 of the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

Exception

- (3) No deduction may be made under this section or section 47*a* in respect of an expenditure made to acquire rights in, or arising out of, scientific research or in respect of an amount deducted from income under section 39 in respect of a gift to a charitable organization.

SECTION 6—Subsection 1. The new subclause enacted by this subsection provides that deductible expenditures of a current nature in respect of scientific research shall include payments to a corporation resident in Canada to be used for scientific research related to the business of the corporation taxable under this Act.

Subsection 2. This amendment makes clear that the amount of capital expenditure on scientific research that may be deducted in a year may be any amount at the option of the taxpayer not in excess of the stated limits.

Subsection 3. The re-enacted subsection 2 requires the corporation to accept the same determination as to whether any particular activity constitutes scientific research as the determination made by the Minister of National Revenue under subsection 2 of section 72 of the *Income Tax Act* (Canada). The new subsection 3 is the same as the old subsection 3 except that it is extended to the new subsection 47a of this Act.

Subsection 4. This amendment adds "and in section 47a" in order that the definitions contained in section 47 shall also apply to the new section 47a.

Subsection 5. This amendment repeals the present definition of scientific research and provides for a definition by regulation. It also makes more restrictive the reference to expenditures on scientific research.

SECTION 7. The new section 47a provides for the deduction by a corporation of an additional 50 per cent of its increased expenditure on scientific research.

(4) Subsection 4 of the said section 47 is amended by inserting after "section" in the first line "and in section 47a", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 73, s. 47,
subs. 4,
amended

(4) In this section and in section 47a,

Interpre-
tation

(5) Clauses *b* and *c* of subsection 4 of the said section 47 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 47,
subs. 4,
cls. *b*, *c*,
re-enacted

(*b*) "scientific research" has the meaning given to that expression by regulation;

(*c*) references to expenditures on scientific research include only expenditures incurred for and wholly attributable to the prosecution, or the provision of facilities for the prosecution, of scientific research in Canada.

7. *The Corporations Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 73,
amended

47a.—(1) In addition to the deductions allowed for the fiscal year by section 47, a corporation, other than a corporation referred to in subsection 2, that carried on business in Canada and made expenditures in respect of scientific research in a fiscal year may deduct, in computing its income for the fiscal year, 50 per cent of the amount by which,

Additional
deduction
for scientific
research

(*a*) the aggregate of,

(i) all expenditures of a current nature made in Canada in the fiscal year, as described in sub-clauses *i* to *v* of clause *a* of subsection 1 of section 47, on scientific research, and

(ii) all expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year on scientific research,

exceeds,

(*b*) the aggregate of,

(i) the base scientific expenditure of the corporation, and

- (ii) any amount paid to the corporation in the fiscal year in respect of scientific research undertaken by the corporation,

- (A) by Her Majesty in right of Canada or a province,

- (B) by a person resident in Canada, or

- (C) by a person not resident in Canada if such person is entitled, in respect of the payment, to a deduction in computing his income by virtue of subclause v of clause *a* of subsection 1 of section 47.

Deduction
by asso-
ciated
corporation

(2) In addition to the deductions allowed for the fiscal year by section 47, a corporation that carried on business in Canada and made expenditures in respect of scientific research in a fiscal year and that was associated with one or more corporations in the fiscal year or in the last fiscal year of the corporation that ended before the 11th day of April, 1962, may deduct, in computing its income for the fiscal year, an amount determined by the following rules:

1. Determine the amount, if any, by which,

- (a) the aggregate of the expenditures described in subclauses i and ii of clause *a* of subsection 1 made in the fiscal year by the corporation,

exceeds,

- (b) the aggregate of the base scientific expenditure of the corporation and any amount paid to the corporation in the fiscal year as described in subclause ii of clause *b* of subsection 1;

2. Determine the amount, if any, by which,

- (a) the aggregate of all expenditures described in subclauses i and ii of clause *a* of subsection 1,

- (i) made by the corporation in the fiscal year, or

- (ii) made by each corporation associated with the corporation in the fiscal year, in the associated corporation's fiscal year that ended in the same calendar year as the fiscal year referred to in subclause i,

Subsection 2 of the new section 47*a* provides the rules by which the amount that may be deducted by associated companies on account of increased expenditures on scientific research is to be calculated.



exceeds,

(b) the aggregate of,

- (i) the base scientific expenditures of the corporation and of each corporation associated with the corporation in the fiscal year,
- (ii) the base scientific expenditures of each corporation,

- (A) that was associated with the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962,

- (B) that was not associated with the corporation in the fiscal year, and

- (C) in respect of which substantially all the business that was carried on by such corporation in Canada in its last fiscal year that ended before the 11th day of April, 1962, was acquired in any manner whatsoever by the corporation or one or more corporations associated with the corporation in the fiscal year, and

- (iii) all amounts described in subclause ii of clause *b* of subsection 1,

- (A) paid to the corporation in the fiscal year, or

- (B) paid to each corporation associated with the corporation in the fiscal year, in the associated corporation's fiscal year that ended in the same calendar year as the year referred to in paragraph A;

3. Ascertain the aggregate of,

- (a) the amount calculated under paragraph 1; and

- (b) the amount calculated pursuant to paragraph 1 for each corporation that is associated with the corporation in the fiscal year; and

4. Determine the amount equal to 50 per cent of that portion of the amount determined under paragraph 2 that,

- (a) the amount determined under paragraph 1, is of,

- (b) the aggregate ascertained under paragraph 3,

and the amount determined under paragraph 4 is the amount that may be deducted in computing the income for the fiscal year of the corporation.

Base
scientific
expenditure
defined

(3) For the purposes of subsections 1 and 2, the base scientific expenditure of a corporation is the aggregate of all expenditures of a current or of a capital nature, by acquiring property other than land, made in Canada by the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962, on scientific research related to the business of the corporation, but, where the corporation had no fiscal year that ended before the 11th day of April, 1962, its base scientific expenditure is nil.

Disposition
of property

(4) Where property, other than land, acquired by a corporation by expenditures of a capital nature made in Canada by the corporation on scientific research has, in a fiscal year, been disposed of by the corporation, there shall be included in computing the income of the corporation for the year the lesser of,

- (a) an amount equal to 50 per cent of,

- (i) the proceeds of disposition of the property, or
- (ii) the capital cost to the corporation of the property,

whichever is the lesser; or

- (b) an amount equal to,

- (i) the aggregate of each amount deductible under subsection 1 or 2, as the case may be, in computing the income of the corporation for the fiscal year and each previous fiscal year,

minus,

The new subsection 3 defines the base to be used for calculating a corporation's increase in expenditure on scientific research.

The new subsection 4 provides rules under which the additional 50 per cent allowance may be recaptured in the event that assets acquired for scientific research are disposed of.

SECTION 8—Subsections 1 and 2. These amendments are consequential upon the addition of a new subsection (10a of section 57) provided by subsection 13 of this section.

Subsection 3. This amendment limits the application of the subsection to expenses incurred after 1952 and before April 11, 1962.

Subsection 4. This amendment is consequential upon the new subsection (10a of section 57) provided by subsection 13 of this section of the Bill.

Subsection 5. The new subsection (3b) provides for the deduction of drilling, exploration, prospecting and development expenses incurred after April 10, 1962, by the classes of corporations therein described.

- (ii) the aggregate of each amount included by virtue of this subsection in computing the income of the corporation in respect of a previous disposition of property.

(5) For the purpose of clause *b* of subsection 4, the amount deductible under subsection 1 or 2, as the case may be, in computing the income of a corporation for a fiscal year shall not include any amount in excess of 50 per cent of the expenditures of a capital nature made in Canada by the corporation, by acquiring property other than land, in the fiscal year on scientific research. Application of clause *b* of subs. 4

8.—(1) Clause *b* of subsection 1 of section 57 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 57, subs. 1, cl. *b*, re-enacted

(*b*) of that aggregate, an amount equal to the income of the corporation for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and

(ii) if no deduction were allowed under this section,

minus the deductions allowed for the fiscal year by subsections 8 and 10*a* of this section and by subsection 1 of section 40.

(2) Clause *b* of subsection 2 of the said section 57 is amended by striking out "year by subsection 8" in the seventh and eighth lines and inserting in lieu thereof "fiscal year by subsections 8 and 10*a*". R.S.O. 1960, c. 73, s. 57, subs. 2, cl. *b*, amended

(3) Clause *c* of subsection 3 of the said section 57 is amended by striking out "end of the fiscal year" in the eleventh line and inserting in lieu thereof "11th day of April, 1962". R.S.O. 1960, c. 73, s. 57, subs. 3, cl. *c*, amended

(4) Clause *d* of subsection 3 of the said section 57 is amended by striking out "and 8" in the eighth line and inserting in lieu thereof "8 and 10*a*". R.S.O. 1960, c. 73, s. 57, subs. 3, cl. *d*, amended

(5) The said section 57, as amended by section 6 of *The Corporations Tax Amendment Act, 1960-61* and section 19 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 73, s. 57, amended

- (3*b*) A corporation the principal business of which is, Deduction from income of petroleum corporation, etc.
 - (*a*) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas;

- (b) mining or exploring for minerals;
- (c) processing mineral ores for the purpose of recovering metals therefrom;
- (d) a combination of,
 - (i) processing mineral ores for the purpose of recovering metals therefrom, and
 - (ii) processing metals recovered from the ores so processed; or
- (e) fabricating metals,

may deduct, in computing its income under this Part for a fiscal year, the lesser of,

- (f) the aggregate of such of,
 - (i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and
 - (ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada, as were incurred after the 10th day of April, 1962, and before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; or
- (g) of that aggregate, an amount equal to its income for the fiscal year,
 - (i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and
 - (ii) if no deduction were allowed under this section,

minus the deductions allowed for the fiscal year by subsections 1, 2, 3, 7, 8 and 10*a* of this section and by subsection 1 of section 40.

The new subsection (3c) provides that a joint exploration corporation may renounce in favour of a described shareholder corporation its right to deduct an appropriate portion of its drilling, exploration, prospecting and development expenses incurred after the calendar year 1956 and before April 11, 1962.

The new subsection (3d) parallels the provisions in subsection (3c) above in respect of expenses incurred after April 10, 1962.

(3c) A joint exploration corporation may, in a fiscal year, elect in prescribed form to renounce in favour of another corporation described in subsection 3b an agreed portion of the aggregate of such of, ^{Joint exploration corporation may renounce expenses}

- (a) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the joint exploration corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada; and
- (b) the prospecting, exploration and development expenses incurred by the joint exploration corporation in searching for minerals in Canada,

as were incurred by the joint exploration corporation, during a period, after the calendar year 1956 and before the 11th day of April, 1962, throughout which the other corporation was a shareholder corporation, to the extent that the aggregate of such expenses exceeds any amount deductible under subsection 3 in respect thereof by the joint exploration corporation in computing its income for any fiscal year previous to the year in which the election was made, and upon the election the said agreed portion,

(c) shall be deemed, for the purpose of subsection 3b, to be expenses described in clauses a and b incurred by the other corporation in the fiscal year of the corporation in which the election was made; and

(d) shall be subtracted from the aggregate described in clause c of subsection 3 in determining the amount deductible by the joint exploration corporation under subsection 3 in computing its income.

(3d) A joint exploration corporation may, in a fiscal year, elect in prescribed form to renounce in favour of another corporation described in subsection 3b an agreed portion of the aggregate of such of, ^{Idem}

- (a) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the joint exploration corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada; and

- (b) the prospecting, exploration and development expenses incurred by the joint exploration corporation in searching for minerals in Canada,

as were incurred by the joint exploration corporation during a period, after the 10th day of April, 1962, and before the end of the fiscal year, throughout which the other corporation was a shareholder corporation, to the extent that the aggregate of such expenses exceeds any amount deductible under subsection 3*b* in respect thereof by the joint exploration corporation in computing its income for any taxation year previous to the year in which the election was made, and upon the election the said agreed portion,

- (c) shall be deemed, for the purpose of subsection 3*b*, to be expenses described in clauses *a* and *b* incurred by the other corporation in the fiscal year of the corporation in which the election was made; and

- (d) shall be subtracted from the aggregate described in clause *f* of subsection 3*b* in determining the amount deductible by the joint exploration corporation under subsection 3*b* in computing its income.

Interpre-
tation

- (3*e*) For the purposes of subsections 3*c* and 3*d*,

- (a) "joint exploration corporation" means a corporation,

- (i) whose principal business is of a class described in clause *a* or *b* of subsection 3, and

- (ii) that has not at any time since its incorporation had more than ten shareholders, not including any individual holding a share for the sole purpose of qualifying as a director;

- (b) a "shareholder corporation" of a joint exploration corporation means a corporation that for the period in respect of which the expression is being applied,

- (i) was a shareholder of the joint exploration corporation,

The new subsection (3e) defines the various terms employed in the new subsections 3c and 3d.

Subsection 6. The new subsection 4 of section 57 provides that a corporation, other than a corporation the principal business of which is in the field of oil, gas and mineral production or processing minerals or fabricating metals as described in the new subsection 3*b*, may deduct drilling, exploration, prospecting and development expenses incurred by it after April 10, 1962. This deduction may not exceed its income from operating an oil or gas well or from royalties in respect of an oil or gas well in Canada.

- (ii) was a corporation whose principal business was of the class described in subsection 3*b*, and
 - (iii) made payments to the joint exploration corporation in respect of the expenses incurred by the joint exploration corporation referred to in clauses *a* and *b* of subsection 3*c* or 3*d*, as the case may be; and
- (*c*) "agreed portion" in respect of a corporation that was a shareholder corporation of a joint exploration corporation means such amount as may be agreed upon between the joint exploration corporation and the other corporation not exceeding,
- (i) the payments referred to in subclause iii of clause *b* made by the other corporation to the joint exploration corporation during the period it was a shareholder corporation in respect of the expenses incurred by the joint exploration corporation referred to in clauses *a* and *b* of subsection 3*c* or 3*d*, as the case may be,

minus,

- (ii) the aggregate of the amounts, if any, previously renounced by the joint exploration corporation under subsection 3*c* or 3*d*, as the case may be, in favour of the other corporation.

(6) Subsection 4 of the said section 57 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 57,
subs. 4,
re-enacted

- (4) A corporation, other than a corporation described in subsection 3*b*, may deduct, in computing its income under this Part for a fiscal year, the lesser of,

Deduction
from
income of
corporation

- (*a*) the aggregate of such of,
 - (i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

- (ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada,

as were incurred after the 10th day of April, 1962, and before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; or

- (b) of that aggregate, an amount equal to its income for the fiscal year from,

- (i) operating an oil or gas well in Canada in which the corporation has an interest, and

- (ii) royalties in respect of an oil or gas well in Canada,

if no deductions were allowed under clause *b* of subsection 2 of section 22.

Limitation
in respect
of payments
for
exploration
and
development
rights

- (4a) In computing a deduction under subsection 1 or 2, no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas, acquired before the 11th day of April, 1962, other than an annual payment not exceeding \$1 per acre.

Exploration
and
drilling
rights,
payments
deductible

- (4b) Where a corporation has, after the 10th day of April 1962, acquired under an agreement or other contract or arrangement a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, under which agreement, contract or arrangement there was not acquired any other right to, over or in respect of the land in respect of which such right, licence or privilege was so acquired, except the right to enter upon, use and occupy so much of the land as may be necessary for the purpose of exploiting such right, licence or privilege, an amount paid in respect of the acquisition thereof shall, for the purpose of subsections 3*b*, 3*d* and 4, be deemed to be a drilling or exploration expense on or in respect of exploring or drilling for petroleum or natural gas in Canada incurred at the time of such payment.

Receipts for
exploration
and drilling
rights
included
in income

- (4c) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, is disposed of by a corporation described in subsection 3*b*

The new subsection 4a is consequential upon the new subsection 4b of section 57 which follows.

The new subsection 4b provides that an amount paid for the acquisition after April 10, 1962, of a right, licence or privilege to explore or drill for or take petroleum or natural gas in Canada shall be deemed to be a drilling or exploration expense and deductible as such.

The new subsection 4c provides that proceeds of disposition of a right, licence or privilege to explore for, drill for or take petroleum or natural gas in Canada disposed of after April 10, 1962, by the described class of corporation must be included in income unless the right, licence or privilege was acquired before April 11, 1962, and disposed of before November 9, 1962.

The new subsection 4*d* provides that if a right, licence or privilege to explore for, drill for or take petroleum or natural gas in Canada acquired after April 10, 1962, by a corporation the principal business of which is not in the field of oil, gas or mineral production or processing minerals or fabricating metals is subsequently disposed of, the proceeds of disposition must be taken into income for the fiscal year in which the amount was received.

The new subsection 4*e* provides that proceeds of disposition of a right, licence or privilege that was acquired with certain other rights do not have to be included in income.

The new subsection 4*f* provides that, if a corporation that acquired a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, under a contract or arrangement, which confined the acquisition to those particular rights and the right of access to exploit such rights, subsequently disposes of any interest in land that includes such a right, licence or privilege or disposes of any interest in such a right, licence or privilege or disposes of any interest in the production of wells situated on the land to which such right, licence or privilege relates, the proceeds of such disposition shall be deemed to be proceeds of disposition of the said right, licence or privilege.

after the 10th day of April, 1962, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the amount was received, unless the corporation acquired such right, licence or privilege before the 11th day of April, 1962, and disposed of it before the 9th day of November, 1962.

(4d) Where a right, licence or privilege to explore for, ^{Idem} drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation, other than a corporation described in subsection 3b, is subsequently disposed of, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year in which the amount was received.

(4e) Subsections 4c and 4d do not apply to any disposition ^{Idem} by a corporation of any right, licence or privilege described in subsection 4b or 4c unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4b.

(4f) For the purposes of subsections 4c and 4d, ^{Idem}

(a) where a corporation has disposed of any interest in land that includes a right, licence or privilege described in subsection 4b that was acquired under an agreement, contract or arrangement described in that subsection, the proceeds of disposition of such interest shall be deemed to be proceeds of disposition of the right, licence or privilege; and

(b) where a corporation has acquired a right, licence or privilege described in subsection 4b under an agreement, contract or arrangement described in that subsection and subsequently disposes of any interest,

(i) in such right, licence or privilege, or

(ii) in the production of wells situated on the land to which such right, licence or privilege relates,

the proceeds of disposition of such interest shall be deemed to be the proceeds of disposition of the right, licence or privilege.

R.S.O. 1960,
c. 73, s. 57,
subs. 5,
amended

(7) Subsection 5 of the said section 57 is amended,

- (a) by inserting after "and" in the fourteenth line "acquired the rights, before the 11th day of April, 1962, in respect of which the amount was so paid and";
- (b) by striking out "its" in the sixteenth line and inserting in lieu thereof "the"; and
- (c) by inserting after "3" in the twenty-first line "3b or 3d".

R.S.O. 1960,
c. 73, s. 57,
subs. 7,
cl. d,
subcl. ii,
re-enacted

(8) Subclause ii of clause *d* of subsection 7 of the said section 57 is repealed and the following substituted therefor:

- (ii) if no deduction were allowed under subsection 3b or this subsection.

R.S.O. 1960,
c. 73, s. 57,
subs. 8,
cls. c, d, da
(1961-62,
c. 23, s. 19,
subs. 1,
cl. e),
repealed

(9) Clauses *c* and *d*, as amended by clauses *c* and *d* of subsection 1 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, and clause *da*, as enacted by clause *e* of subsection 1 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, of subsection 8 of the said section 57 are repealed.

R.S.O. 1960,
c. 73, s. 57,
subs. 8,
cl. e,
subcl. iv,
re-enacted

(10) Subclause iv of clause *e* of subsection 8 of the said section 57 is repealed and the following substituted therefor:

- (iv) would, but for the provisions of clause *b* of subsection 1, clause *b* of subsection 2, clause *d* of subsection 3, clause *g* of subsection 3b and clause *d* of subsection 7, or of any of those clauses or this subsection, have been deductible by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the successor corporation; or

R.S.O. 1960,
c. 73, s. 57,
subs. 8,
amended

(11) Subsection 8 of the said section 57 is amended,

- (a) by inserting after "of" in the seventy-first line "any";
- (b) by inserting after "for" in the seventy-fourth line "a fiscal year subsequent to"; and
- (c) by striking out "or its income for any subsequent fiscal year" in the seventy-fifth and seventy-sixth lines.

Subsection 7. The amended subsection 5 of section 57 deals with payments for a right to explore for petroleum or natural gas in Canada or for a lease of the right to take or remove petroleum or natural gas in Canada, sometimes referred to as bonus payments. Although new rules in respect of such payments for acquisitions after April 10, 1962, are now to be provided, the existing subsections remain in force to apply to payments made for rights before April 11, 1962.

Subsection 8. This amendment is consequential upon the addition of the new subsection 3*b* provided by subsection 5 above.

Subsection 9. The repeal of clauses *c*, *d* and *da* has the effect of providing that the right of a successor corporation to deduct drilling, exploration, prospecting and development expenses incurred by a predecessor corporation from the income of the successor corporation attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property acquired from the predecessor corporation, shall not be lost by reason of the fact that the successor corporation assumed liabilities of the predecessor corporation.

Subsection 10. This amendment is consequential upon the addition of the new subsection 3*b* by subsection 5 above.

Subsection 11. This amendment permits a predecessor corporation to deduct drilling and exploration expenses in the year in which its property is acquired by a successor corporation.

Subsection 12. This amendment adds the words "before the 11th day of April, 1962" to the present subsection dealing with payments for a right to explore for petroleum or natural gas in Canada or for a lease of the right to take or remove petroleum or natural gas in Canada, sometimes referred to as bonus payments. New rules in respect of such payments for acquisitions after April 10, 1962, are provided in this Bill supplementing the existing subsections, which remain in force to apply to payments made for rights before April 11, 1962.

Subsection 13. This new subsection provides for the right of a successor corporation to deduct drilling, exploration, prospecting and development expenses incurred by its predecessor corporation to be extended to a corporation which is a successor to the first successor corporation.

(12) Subsection 8a of the said section 57, as enacted by R.S.O. 1960, c. 73, s. 57, subs. 8a (1961-62, c. 23, s. 19, subs. 2), amended subsection 2 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, is amended by inserting before "in" where it occurs the first time in the twenty-first line "before the 11th day of April, 1962".

(13) The said section 57 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 57, amended

(10a) Notwithstanding subsection 7, where a corporation, hereinafter in this subsection referred to as the "second successor corporation", whose principal business is of the class described in subsection 3b, has at any time after the 10th day of April, 1962, acquired from a corporation, hereinafter in this subsection referred to as the "first successor corporation", that was a successor corporation within the meaning of subsection 8, all or substantially all of the property of the first successor corporation used by it in carrying on in Canada its principal business, there may be deducted by the second successor corporation, in computing its income under this Part for a fiscal year, the lesser of,

(a) the aggregate determined by adding the expenses referred to in subclauses i and ii of clause e of subsection 8 for the purpose of determining the deduction allowable to the first successor corporation under subsection 8 in computing its income for a previous fiscal year, to the extent that such expenses,

(i) were not deductible by the second successor corporation or any other corporation in computing its income for a previous fiscal year, and were not deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation, and

(ii) would, but for the provisions of clause f of subsection 8, have been deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation; or

(b) of that aggregate, an amount equal to such part of its income for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and

(ii) if no deduction were allowed under this section,

minus any deduction allowed for the fiscal year by subsection 1 of section 40, as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property from which the predecessor of the first successor corporation within the meaning of subsection 8 had, immediately before the acquisition by the first successor corporation of the property so acquired by the second successor corporation, a right to take or remove petroleum or natural gas or a right to take or remove minerals, and, in respect of any such expenses included in the aggregate determined under clause *a*, no deduction may be made under this section by the first successor corporation in computing its income for a fiscal year subsequent to its fiscal year in which the property so acquired was acquired by the second successor corporation.

R.S.O. 1960,
c. 73, s. 65,
subs. 2,
amended

9.—(1) Subsection 2 of section 65 of *The Corporations Tax Act*, as amended by subsections 2, 3 and 4 of section 7 of *The Corporations Tax Amendment Act, 1960-61* and subsections 1 and 2 of section 22 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following paragraphs:

Scientific
research

12. For the purpose of section 47*a*, where the amalgamation of the two or more corporations was after the 10th day of April, 1962, the base scientific expenditure of the new corporation is an amount equal to the aggregate of the base scientific expenditure of each of the predecessor corporations.

Exploration

13. For the purpose of section 57, where a predecessor corporation had acquired a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, under an agreement, contract or arrangement described in subsection 4*b* of section 57 and, by virtue of the amalgamation, that right, licence or privilege, or any interest,

SECTION 9—Subsection 1. This amendment enacts three new rules for dealing with the assets of corporations that have amalgamated.

The new rule 12 provides that, where two or more corporations amalgamate, the "base scientific expenditure" for the purpose of the additional allowance on account of expenditures on scientific research under the new section 47*a* provided by section 7 of this Bill is the aggregate of the base scientific expenditures of each corporation entering into the amalgamation.

The new rule 13 provides that, where a predecessor corporation has acquired oil or gas rights in a certain manner and these rights subsequently become the property of a new corporation by virtue of an amalgamation, the new corporation resulting from the amalgamation shall be deemed to have acquired the rights in the same manner as a predecessor corporation.

The new rule 14 provides that a new corporation that results from an amalgamation will have the same right to claim certain reserves in respect of activities or undertakings of a predecessor corporation as the predecessor corporation would have had but for the amalgamation.

Subsection 2. This amendment is consequential upon the addition of the new subsection 3*b* of section 57 by subsection 5 of section 8 of this Bill.

Subsection 3. This amendment is consequential upon the addition of similar words to subsection 5 of section 57 by subsection 7 of section 8 of this Bill.

SECTION 10. This section provides for the various effective dates on which the amendments made by this Bill will become effective.

(a) in such right, licence or privilege, or

(b) in the production of wells, situated on the land to which such right, licence or privilege relates,

became the property of the new corporation, the new corporation shall be deemed to have acquired the right, licence or privilege under an agreement, contract or arrangement described in subsection 4b of section 57.

14. For the purpose of computing a deduction from the income of the new corporation for a fiscal year under clause *c* of subsection 1 of section 60 or subsection 6 of section 60, any amount included in computing the income of a predecessor corporation for its last fiscal year or a previous fiscal year, by virtue of clause *a* of subsection 1 of section 60, shall be deemed to have been included in computing the income of the new corporation for a previous fiscal year by virtue thereof. ^{Special reserves}

(2) Subclause iv of clause *e* of subsection 3 of the said section 65 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 73, s. 65, subs. 3, cl. *e*, subcl. iv, re-enacted}

- (iv) would, but for the provisions of clause *b* of subsection 1 of section 57, clause *b* of subsection 2 of section 57, clause *d* of subsection 3 of section 57, clause *g* of subsection 3b of section 57, and clause *d* of subsection 7 of section 57, or any of those clauses, have been deductible by the predecessor corporation in computing its income for its last fiscal year; or

(3) Subsection 4 of the said section 65, as enacted by subsection 4 of section 22 of *The Corporations Tax Amendment Act, 1961-62*, is amended by inserting before "if" in the sixteenth line "and acquired the rights, before the 11th day of April, 1962, in respect of which the amount was so paid". ^{R.S.O. 1960, c. 73, s. 65, subs. 4 (1961-62, c. 23, s. 22, subs. 4), amended}

10.—(1) Section 5 applies in respect of fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years. ^{Application of Act}

(2) Subsection 2 of section 1 applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years. ^{Idem}

- Idem (3) Subsection 3 of section 1 and subsection 2 of section 3 apply in respect of fiscal years of corporations commencing after 1961.
- Idem (4) Subsection 11 of section 8 applies in respect of fiscal years of corporations ending after the 10th day of April, 1962.
- Idem (5) Subsections 1, 2 and 3 of section 47a of *The Corporations Tax Act*, as enacted by section 7, apply in respect of fiscal years of corporations ending in 1962 to 1966, inclusive.
- Idem (6) Subsections 4 and 5 of section 47a of *The Corporations Tax Act*, as enacted by section 7, and paragraphs 13 and 14 of subsection 2 of section 65 of *The Corporations Tax Act*, as enacted by subsection 1 of section 9, apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.
- Idem (7) Subsection 1 of section 1, section 2, subsection 1 of section 3, sections 4 and 6, subsections 1 to 10 and 12 and 13 of section 8, and subsections 2 and 3 of section 9, apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.
- Commence-
ment **11.** This Act comes into force on the day it receives Royal Assent.
- Short title **12.** This Act may be cited as *The Corporations Tax Amendment Act, 1962-63*.



Images of 13th 14th

An Act to amend
The Corporations Tax Act

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 141

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Corporations Tax Act

MR. ALLAN (Haldimand-Norfolk)

TORONTO

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BILL 141

1962-63

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 35 of section 4 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 4,
subs. 35,
re-enacted

- (35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada, hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1a of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income, the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of,

- (a) 9 per cent of that part of such foreign investment income that is included in that portion

of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or

- (b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,

- (i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

- (ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

R.S.O. 1960,
c. 73, s. 4,
subs. 36,
repealed

- (2) Subsection 36 of the said section 4, as amended by section 1 of *The Corporations Tax Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 73, s. 4,
amended

- (3) The said section 4 is amended by adding thereto the following subsections:

Logging
tax credit

- (36) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to one-third of the tax payable by the corporation for the same fiscal year under *The Logging Tax Act*.

R.S.O. 1960,
c. 224

Interpre-
tation

- (36a) In subsection 36, "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under this section after making any deduction applicable under subsection 2.

2. Section 17 of *The Corporations Tax Act*, as amended by R.S.O. 1960, c. 73, s. 17, amended section 5 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *h* in the amendment of 1961-62, by adding "and" at the end of clause *i* in the amendment of 1961-62, and by adding thereto the following clause:

- (*j*) amounts received by the corporation in the fiscal year in consideration for the disposition of a right, licence or privilege to explore for, drill for or take petroleum or natural gas in Canada, as provided by subsection 4*b* or 4*c* of section 57.

3.—(1) Clause *l* of subsection 1 of section 22 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *l*, re-enacted

- (*l*) such amount in respect of expenditures on scientific research as is permitted by section 47 or by section 47*a*.

(2) Clause *p* of subsection 1 of the said section 22 is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *p*, re-enacted

- (*p*) such amount in respect of taxes on income for the fiscal year from mining operations as is permitted by the regulations.

4. Subsection 4 of section 23 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 23, subs. 4, re-enacted

- (4) Clause *c* of subsection 1 does not apply in respect of an outlay or expense made or incurred by a corporation, at a time when more than 50 per cent of its property consisted of property leased to a subsidiary-controlled corporation subsidiary to it or shares in the capital stock of, bonds, debentures, mortgages or hypothecs of or bills or notes of a subsidiary-controlled corporation subsidiary to it, for the purpose of gaining or producing income in the form of dividends from any such corporation or in connection with property in the form of shares in the capital stock thereof.

5. Section 40 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 40, amended

- (1*a*) Where a corporation in a fiscal year received a dividend from a non-resident corporation that is taxable under subsection 2 of section 2 of the *Income Tax Act* (Canada) for that year, the corporation

shall deduct from its income for the same fiscal year the same amount in respect of such dividend as the corporation was allowed to deduct under subsection 10 of section 28 of the *Income Tax Act* (Canada).

R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. a,
amended

6.—(1) Clause *a* of subsection 1 of section 47 of *The Corporations Tax Act*, as amended by subsection 1 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "and" at the end of subclause iv in the amendment of 1961-62 and by adding thereto the following subclause:

- (v) by payments to a corporation resident in Canada for scientific research related to the business of the corporation; and

.

R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 47, as amended by subsection 2 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "the lesser of" in the first line and inserting in lieu thereof "such amount as may be claimed by the corporation not exceeding the lesser of", so that the clause, exclusive of the subclauses, shall read as follows:

- (b) such amount as may be claimed by the corporation not exceeding the lesser of,

.

R.S.O. 1960,
c. 73, s. 47,
subss. 2
(1961-62,
c. 23, s. 16,
subs. 3), 3,
re-enacted

(3) Subsection 2, as re-enacted by subsection 3 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, and subsection 3 of the said section 47 are repealed and the following substituted therefor:

Determination
of
what
constitutes
scientific
research

- (2) The determination of whether any particular activity constitutes scientific research will be the same as the determination of the Minister of National Revenue under subsection 2 of section 72 of the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

Exception

- (3) No deduction may be made under this section or section 47*a* in respect of an expenditure made to acquire rights in, or arising out of, scientific research or in respect of an amount deducted from income under section 39 in respect of a gift to a charitable organization.

(4) Subsection 4 of the said section 47 is amended by inserting after "section" in the first line "and in section 47a", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960
c. 73, s. 47,
subs. 4,
amended

(4) In this section and in section 47a,

Interpre-
tation

(5) Clauses *b* and *c* of subsection 4 of the said section 47 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 47,
subs. 4,
cls. *b*, *c*,
re-enacted

(b) "scientific research" has the meaning given to that expression by regulation;

(c) references to expenditures on scientific research include only expenditures incurred for and wholly attributable to the prosecution, or the provision of facilities for the prosecution, of scientific research in Canada.

7. *The Corporations Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 73,
amended

47a.—(1) In addition to the deductions allowed for the fiscal year by section 47, a corporation, other than a corporation referred to in subsection 2, that carried on business in Canada and made expenditures in respect of scientific research in a fiscal year may deduct, in computing its income for the fiscal year, 50 per cent of the amount by which,

Additional
deduction
for scientific
research

(a) the aggregate of,

(i) all expenditures of a current nature made in Canada in the fiscal year, as described in sub-clauses *i* to *v* of clause *a* of subsection 1 of section 47, on scientific research, and

(ii) all expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year on scientific research,

exceeds,

(b) the aggregate of,

(i) the base scientific expenditure of the corporation, and

- (ii) any amount paid to the corporation in the fiscal year in respect of scientific research undertaken by the corporation,

- (A) by Her Majesty in right of Canada or a province,

- (B) by a person resident in Canada, or

- (C) by a person not resident in Canada if such person is entitled, in respect of the payment, to a deduction in computing his income by virtue of subclause v of clause *a* of subsection 1 of section 47.

Deduction
by asso-
ciated
corporation

(2) In addition to the deductions allowed for the fiscal year by section 47, a corporation that carried on business in Canada and made expenditures in respect of scientific research in a fiscal year and that was associated with one or more corporations in the fiscal year or in the last fiscal year of the corporation that ended before the 11th day of April, 1962, may deduct, in computing its income for the fiscal year, an amount determined by the following rules:

1. Determine the amount, if any, by which,

- (a) the aggregate of the expenditures described in subclauses i and ii of clause *a* of subsection 1 made in the fiscal year by the corporation,

exceeds,

- (b) the aggregate of the base scientific expenditure of the corporation and any amount paid to the corporation in the fiscal year as described in subclause ii of clause *b* of subsection 1;

2. Determine the amount, if any, by which,

- (a) the aggregate of all expenditures described in subclauses i and ii of clause *a* of subsection 1,

- (i) made by the corporation in the fiscal year, or

- (ii) made by each corporation associated with the corporation in the fiscal year, in the associated corporation's fiscal year that ended in the same calendar year as the fiscal year referred to in subclause i,

exceeds,

(b) the aggregate of,

- (i) the base scientific expenditures of the corporation and of each corporation associated with the corporation in the fiscal year,
- (ii) the base scientific expenditures of each corporation,
 - (A) that was associated with the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962,
 - (B) that was not associated with the corporation in the fiscal year, and
 - (C) in respect of which substantially all the business that was carried on by such corporation in Canada in its last fiscal year that ended before the 11th day of April, 1962, was acquired in any manner whatsoever by the corporation or one or more corporations associated with the corporation in the fiscal year, and
- (iii) all amounts described in subclause ii of clause b of subsection 1,
 - (A) paid to the corporation in the fiscal year, or
 - (B) paid to each corporation associated with the corporation in the fiscal year, in the associated corporation's fiscal year that ended in the same calendar year as the year referred to in paragraph A;

3. Ascertain the aggregate of,

- (a) the amount calculated under paragraph 1; and

(b) the amount calculated pursuant to paragraph 1 for each corporation that is associated with the corporation in the fiscal year; and

4. Determine the amount equal to 50 per cent of that portion of the amount determined under paragraph 2 that,

(a) the amount determined under paragraph 1, is of,

(b) the aggregate ascertained under paragraph 3,

and the amount determined under paragraph 4 is the amount that may be deducted in computing the income for the fiscal year of the corporation.

Base
scientific
expenditure
defined

(3) For the purposes of subsections 1 and 2, the base scientific expenditure of a corporation is the aggregate of all expenditures of a current or of a capital nature, by acquiring property other than land, made in Canada by the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962, on scientific research related to the business of the corporation, but, where the corporation had no fiscal year that ended before the 11th day of April, 1962, its base scientific expenditure is nil.

Disposition
of property

(4) Where property, other than land, acquired by a corporation by expenditures of a capital nature made in Canada by the corporation on scientific research has, in a fiscal year, been disposed of by the corporation, there shall be included in computing the income of the corporation for the year the lesser of,

(a) an amount equal to 50 per cent of,

(i) the proceeds of disposition of the property, or

(ii) the capital cost to the corporation of the property,

whichever is the lesser; or

(b) an amount equal to,

(i) the aggregate of each amount deductible under subsection 1 or 2, as the case may be, in computing the income of the corporation for the fiscal year and each previous fiscal year.

minus,

- (ii) the aggregate of each amount included by virtue of this subsection in computing the income of the corporation in respect of a previous disposition of property.

(5) For the purpose of clause *b* of subsection 4, the amount deductible under subsection 1 or 2, as the case may be, in computing the income of a corporation for a fiscal year shall not include any amount in excess of 50 per cent of the expenditures of a capital nature made in Canada by the corporation, by acquiring property other than land, in the fiscal year on scientific research.

8.—(1) Clause *b* of subsection 1 of section 57 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 57, subs. 1, cl. b, re-enacted

(b) of that aggregate, an amount equal to the income of the corporation for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and

(ii) if no deduction were allowed under this section,

minus the deductions allowed for the fiscal year by subsections 8 and 10*a* of this section and by subsection 1 of section 40.

(2) Clause *b* of subsection 2 of the said section 57 is amended by striking out "year by subsection 8" in the seventh and eighth lines and inserting in lieu thereof "fiscal year by subsections 8 and 10*a*". R.S.O. 1960, c. 73, s. 57, subs. 2, cl. b, amended

(3) Clause *c* of subsection 3 of the said section 57 is amended by striking out "end of the fiscal year" in the eleventh line and inserting in lieu thereof "11th day of April, 1962". R.S.O. 1960, c. 73, s. 57, subs. 3, cl. c, amended

(4) Clause *d* of subsection 3 of the said section 57 is amended by striking out "and 8" in the eighth line and inserting in lieu thereof "8 and 10*a*". R.S.O. 1960, c. 73, s. 57, subs. 3, cl. d, amended

(5) The said section 57, as amended by section 6 of *The Corporations Tax Amendment Act, 1960-61* and section 19 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 73, s. 57, amended

- (3*b*) A corporation the principal business of which is, Deduction from income of petroleum corporation, etc.
- (a) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas;

- (b) mining or exploring for minerals;
- (c) processing mineral ores for the purpose of recovering metals therefrom;
- (d) a combination of,
 - (i) processing mineral ores for the purpose of recovering metals therefrom, and
 - (ii) processing metals recovered from the ores so processed; or
- (e) fabricating metals,

may deduct, in computing its income under this Part for a fiscal year, the lesser of,

- (f) the aggregate of such of,
 - (i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and
 - (ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada, as were incurred after the 10th day of April, 1962, and before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; or
- (g) of that aggregate, an amount equal to its income for the fiscal year,
 - (i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and
 - (ii) if no deduction were allowed under this section,

minus the deductions allowed for the fiscal year by subsections 1, 2, 3, 7, 8 and 10*a* of this section and by subsection 1 of section 40.

- (3c) A joint exploration corporation may, in a fiscal year, ^{Joint exploration corporation may} elect in prescribed form to renounce in favour of another corporation described in subsection 3b an ^{expenses} agreed portion of the aggregate of such of,

- (a) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the joint exploration corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada; and
- (b) the prospecting, exploration and development expenses incurred by the joint exploration corporation in searching for minerals in Canada,

as were incurred by the joint exploration corporation, during a period, after the calendar year 1956 and before the 11th day of April, 1962, throughout which the other corporation was a shareholder corporation, to the extent that the aggregate of such expenses exceeds any amount deductible under subsection 3 in respect thereof by the joint exploration corporation in computing its income for any fiscal year previous to the year in which the election was made, and upon the election the said agreed portion,

- (c) shall be deemed, for the purpose of subsection 3b, to be expenses described in clauses a and b incurred by the other corporation in the fiscal year of the corporation in which the election was made; and
- (d) shall be subtracted from the aggregate described in clause c of subsection 3 in determining the amount deductible by the joint exploration corporation under subsection 3 in computing its income.

- (3d) A joint exploration corporation may, in a fiscal year, ^{Idem} elect in prescribed form to renounce in favour of another corporation described in subsection 3b an agreed portion of the aggregate of such of,

- (a) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the joint exploration corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada; and

- (b) the prospecting, exploration and development expenses incurred by the joint exploration corporation in searching for minerals in Canada,

as were incurred by the joint exploration corporation during a period, after the 10th day of April, 1962, and before the end of the fiscal year, throughout which the other corporation was a shareholder corporation, to the extent that the aggregate of such expenses exceeds any amount deductible under subsection 3*b* in respect thereof by the joint exploration corporation in computing its income for any taxation year previous to the year in which the election was made, and upon the election the said agreed portion,

- (c) shall be deemed, for the purpose of subsection 3*b*, to be expenses described in clauses *a* and *b* incurred by the other corporation in the fiscal year of the corporation in which the election was made; and

- (d) shall be subtracted from the aggregate described in clause *f* of subsection 3*b* in determining the amount deductible by the joint exploration corporation under subsection 3*b* in computing its income.

Interpre-
tation

- (3*e*) For the purposes of subsections 3*c* and 3*d*,

- (a) "joint exploration corporation" means a corporation,

- (i) whose principal business is of a class described in clause *a* or *b* of subsection 3, and

- (ii) that has not at any time since its incorporation had more than ten shareholders, not including any individual holding a share for the sole purpose of qualifying as a director;

- (b) a "shareholder corporation" of a joint exploration corporation means a corporation that for the period in respect of which the expression is being applied,

- (i) was a shareholder of the joint exploration corporation,

- (ii) was a corporation whose principal business was of the class described in subsection 3*b*, and
 - (iii) made payments to the joint exploration corporation in respect of the expenses incurred by the joint exploration corporation referred to in clauses *a* and *b* of subsection 3*c* or 3*d*, as the case may be; and
- (*c*) "agreed portion" in respect of a corporation that was a shareholder corporation of a joint exploration corporation means such amount as may be agreed upon between the joint exploration corporation and the other corporation not exceeding,
- (i) the payments referred to in subclause iii of clause *b* made by the other corporation to the joint exploration corporation during the period it was a shareholder corporation in respect of the expenses incurred by the joint exploration corporation referred to in clauses *a* and *b* of subsection 3*c* or 3*d*, as the case may be,

minus,

- (ii) the aggregate of the amounts, if any, previously renounced by the joint exploration corporation under subsection 3*c* or 3*d*, as the case may be, in favour of the other corporation.

(6) Subsection 4 of the said section 57 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 57,
subs. 4,
re-enacted

- (4) A corporation, other than a corporation described in subsection 3*b*, may deduct, in computing its income under this Part for a fiscal year, the lesser of,

Deduction
from
income of
corporation

- (*a*) the aggregate of such of,
 - (i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

- (ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada,

as were incurred after the 10th day of April, 1962, and before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; or

- (b) of that aggregate, an amount equal to its income for the fiscal year from,

- (i) operating an oil or gas well in Canada in which the corporation has an interest, and

- (ii) royalties in respect of an oil or gas well in Canada,

if no deductions were allowed under clause *b* of subsection 2 of section 22.

Limitation
in respect
of payments
for
exploration
and
development
rights

- (4a) In computing a deduction under subsection 1 or 2, no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas, acquired before the 11th day of April, 1962, other than an annual payment not exceeding \$1 per acre.

Exploration
and
drilling
rights,
payments
deductible

- (4b) Where a corporation has, after the 10th day of April 1962, acquired under an agreement or other contract or arrangement a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, under which agreement, contract or arrangement there was not acquired any other right to, over or in respect of the land in respect of which such right, licence or privilege was so acquired, except the right to enter upon, use and occupy so much of the land as may be necessary for the purpose of exploiting such right, licence or privilege, an amount paid in respect of the acquisition thereof shall, for the purpose of subsections 3*b*, 3*d* and 4, be deemed to be a drilling or exploration expense on or in respect of exploring or drilling for petroleum or natural gas in Canada incurred at the time of such payment.

Receipts for
exploration
and drilling
rights
included
in income

- (4c) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, is disposed of by a corporation described in subsection 3*b*

after the 10th day of April, 1962, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the amount was received, unless the corporation acquired such right, licence or privilege before the 11th day of April, 1962, and disposed of it before the 9th day of November, 1962.

(4d) Where a right, licence or privilege to explore for, ^{Idem} drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation, other than a corporation described in subsection 3b, is subsequently disposed of, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year in which the amount was received.

(4e) Subsections 4c and 4d do not apply to any disposition ^{Idem} by a corporation of any right, licence or privilege described in subsection 4b or 4c unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4b.

(4f) For the purposes of subsections 4c and 4d, ^{Idem}

(a) where a corporation has disposed of any interest in land that includes a right, licence or privilege described in subsection 4b that was acquired under an agreement, contract or arrangement described in that subsection, the proceeds of disposition of such interest shall be deemed to be proceeds of disposition of the right, licence or privilege; and

(b) where a corporation has acquired a right, licence or privilege described in subsection 4b under an agreement, contract or arrangement described in that subsection and subsequently disposes of any interest,

(i) in such right, licence or privilege, or

(ii) in the production of wells situated on the land to which such right, licence or privilege relates,

the proceeds of disposition of such interest shall be deemed to be the proceeds of disposition of the right, licence or privilege.

R.S.O. 1960,
c. 73, s. 57,
subs. 5,
amended

(7) Subsection 5 of the said section 57 is amended,

- (a) by inserting after "and" in the fourteenth line "acquired the rights, before the 11th day of April, 1962, in respect of which the amount was so paid and";
- (b) by striking out "its" in the sixteenth line and inserting in lieu thereof "the"; and
- (c) by inserting after "3" in the twenty-first line "3b or 3d".

R.S.O. 1960,
c. 73, s. 57,
subs. 7,
cl. d,
subcl. ii,
re-enacted

(8) Subclause ii of clause *d* of subsection 7 of the said section 57 is repealed and the following substituted therefor:

- (ii) if no deduction were allowed under subsection 3b or this subsection.

R.S.O. 1960,
c. 73, s. 57,
subs. 8,
cls. c, d, da
(1961-62,
c. 23, s. 19,
subs. 1,
cl. e),
repealed

(9) Clauses *c* and *d*, as amended by clauses *c* and *d* of subsection 1 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, and clause *da*, as enacted by clause *e* of subsection 1 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, of subsection 8 of the said section 57 are repealed.

R.S.O. 1960,
c. 73, s. 57,
subs. 8,
cl. e,
subcl. iv,
re-enacted

(10) Subclause iv of clause *e* of subsection 8 of the said section 57 is repealed and the following substituted therefor:

- (iv) would, but for the provisions of clause *b* of subsection 1, clause *b* of subsection 2, clause *d* of subsection 3, clause *g* of subsection 3b and clause *d* of subsection 7, or of any of those clauses or this subsection, have been deductible by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the successor corporation; or

R.S.O. 1960,
c. 73, s. 57,
subs. 8,
amended

(11) Subsection 8 of the said section 57 is amended,

- (a) by inserting after "of" in the seventy-first line "any";
- (b) by inserting after "for" in the seventy-fourth line "a fiscal year subsequent to"; and
- (c) by striking out "or its income for any subsequent fiscal year" in the seventy-fifth and seventy-sixth lines.

(12) Subsection 8a of the said section 57, as enacted by R.S.O. 1960, c. 73, s. 57, subs. 8a (1961-62, c. 23, s. 19, subs. 2), amended subsection 2 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, is amended by inserting before "in" where it occurs the first time in the twenty-first line "before the 11th day of April, 1962".

(13) The said section 57 is further amended by adding R.S.O. 1960, c. 73, s. 57, amended thereto the following subsection:

(10a) Notwithstanding subsection 7, where a corporation' Property acquired by second successor corporation hereinafter in this subsection referred to as the "second successor corporation", whose principal business is of the class described in subsection 3b, has at any time after the 10th day of April, 1962, acquired from a corporation, hereinafter in this subsection referred to as the "first successor corporation", that was a successor corporation within the meaning of subsection 8, all or substantially all of the property of the first successor corporation used by it in carrying on in Canada its principal business, there may be deducted by the second successor corporation, in computing its income under this Part for a fiscal year, the lesser of,

(a) the aggregate determined by adding the expenses referred to in subclauses i and ii of clause e of subsection 8 for the purpose of determining the deduction allowable to the first successor corporation under subsection 8 in computing its income for a previous fiscal year, to the extent that such expenses,

(i) were not deductible by the second successor corporation or any other corporation in computing its income for a previous fiscal year, and were not deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation, and

(ii) would, but for the provisions of clause f of subsection 8, have been deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation; or

(b) of that aggregate, an amount equal to such part of its income for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and

(ii) if no deduction were allowed under this section,

minus any deduction allowed for the fiscal year by subsection 1 of section 40, as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property from which the predecessor of the first successor corporation within the meaning of subsection 8 had, immediately before the acquisition by the first successor corporation of the property so acquired by the second successor corporation, a right to take or remove petroleum or natural gas or a right to take or remove minerals, and, in respect of any such expenses included in the aggregate determined under clause *a*, no deduction may be made under this section by the first successor corporation in computing its income for a fiscal year subsequent to its fiscal year in which the property so acquired was acquired by the second successor corporation.

R.S.O. 1960,
c. 73, s. 65,
subs. 2,
amended

9.—(1) Subsection 2 of section 65 of *The Corporations Tax Act*, as amended by subsections 2, 3 and 4 of section 7 of *The Corporations Tax Amendment Act, 1960-61* and subsections 1 and 2 of section 22 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following paragraphs:

Scientific
research

12. For the purpose of section 47*a*, where the amalgamation of the two or more corporations was after the 10th day of April, 1962, the base scientific expenditure of the new corporation is an amount equal to the aggregate of the base scientific expenditure of each of the predecessor corporations.

Exploration

13. For the purpose of section 57, where a predecessor corporation had acquired a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, under an agreement, contract or arrangement described in subsection 4*b* of section 57 and, by virtue of the amalgamation, that right, licence or privilege, or any interest,

- (a) in such right, licence or privilege, or
- (b) in the production of wells, situated on the land to which such right, licence or privilege relates,

became the property of the new corporation, the new corporation shall be deemed to have acquired the right, licence or privilege under an agreement, contract or arrangement described in subsection 4b of section 57.

14. For the purpose of computing a deduction from the income of the new corporation for a fiscal year under clause *c* of subsection 1 of section 60 or subsection 6 of section 60, any amount included in computing the income of a predecessor corporation for its last fiscal year or a previous fiscal year, by virtue of clause *a* of subsection 1 of section 60, shall be deemed to have been included in computing the income of the new corporation for a previous fiscal year by virtue thereof. Special reserves

(2) Subclause iv of clause *e* of subsection 3 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 65,
subs. 3, cl. *e*,
subcl. iv,
re-enacted

- (iv) would, but for the provisions of clause *b* of subsection 1 of section 57, clause *b* of subsection 2 of section 57, clause *d* of subsection 3 of section 57, clause *g* of subsection 3b of section 57, and clause *d* of subsection 7 of section 57, or any of those clauses, have been deductible by the predecessor corporation in computing its income for its last fiscal year; or

.

(3) Subsection 4 of the said section 65, as enacted by subsection 4 of section 22 of *The Corporations Tax Amendment Act, 1961-62*, is amended by inserting before "if" in the sixteenth line "and acquired the rights, before the 11th day of April, 1962, in respect of which the amount was so paid". R.S.O. 1960,
c. 73, s. 65,
subs. 4
(1961-62,
c. 23, s. 22,
subs. 4),
amended

10.—(1) Section 5 applies in respect of fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years. Application of Act

(2) Subsection 2 of section 1 applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years. Idem

- Idem (3) Subsection 3 of section 1 and subsection 2 of section 3 apply in respect of fiscal years of corporations commencing after 1961.
- Idem (4) Subsection 11 of section 8 applies in respect of fiscal years of corporations ending after the 10th day of April, 1962.
- Idem (5) Subsections 1, 2 and 3 of section 47a of *The Corporations Tax Act*, as enacted by section 7, apply in respect of fiscal years of corporations ending in 1962 to 1966, inclusive.
- Idem (6) Subsections 4 and 5 of section 47a of *The Corporations Tax Act*, as enacted by section 7, and paragraphs 13 and 14 of subsection 2 of section 65 of *The Corporations Tax Act*, as enacted by subsection 1 of section 9, apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.
- Idem (7) Subsection 1 of section 1, section 2, subsection 1 of section 3, sections 4 and 6, subsections 1 to 10 and 12 and 13 of section 8, and subsections 2 and 3 of section 9, apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.
- Commence-
ment **11.** This Act comes into force on the day it receives Royal Assent.
- Short title **12.** This Act may be cited as *The Corporations Tax Amendment Act, 1962-63*.

An Act to amend
The Corporations Tax Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. ALLAN (Haldimand-Norfolk)

BILL 142

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Logging Tax Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2. These amendments raise the rate of tax under the Act from 9 per cent to 10 per cent.

Subsection 3. The two subsections 4 and 5 set out the basis upon which the same or affiliated taxpayers will calculate their logging income so that only one exemption of \$10,000 will apply to several different operations of the same taxpayer or of a series of corporations that are affiliated one with another.

BILL 142

1962-63

An Act to amend The Logging Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Logging Tax Act* R.S.O. 1960, c. 224, s. 2, subs. 1, amended is amended by striking out "9" in the second line and inserting in lieu thereof "10", so that the subsection shall read as follows:

- (1) Every taxpayer shall for every taxation year pay a ^{Tax} tax of 10 per cent on the income in excess of \$10,000 that he derives during such year from logging operations.

(2) Subsection 2 of the said section 2 is amended by R.S.O. 1960, c. 224, s. 2, subs. 2, amended striking out "9" in the third line and inserting in lieu thereof "10", so that the subsection shall read as follows:

- (2) There may be deducted from the tax otherwise ^{Deduction from tax} payable by a taxpayer under this section for a taxation year an amount equal to 10 per cent of that portion of his income from logging operations in excess of \$10,000 that is earned in the taxation year outside Ontario.

(3) Subsections 4 and 5 of the said section 2 are repealed R.S.O. 1960, c. 224, s. 2, subs. 4, 5, re-enacted and the following substituted therefor:

- (4) For the purposes of determining liability to taxation under this Act, all logging operations owned, leased, worked or operated by the same taxpayer, or the income from which accrues to the same taxpayer, shall be deemed to be and be dealt with as one and the same logging operation and not as separate logging operations. ^{Operations by same taxpayer}

- (5) Where logging operations are carried on by two or ^{Affiliated corporations} more affiliated or associated corporations that are under the same general control, or where the income

of such corporations accrues for the benefit of substantially the same shareholders, the income derived from logging operations by each of such corporations shall be determined in accordance with sections 3 and 4, and the incomes thereof, after having been so determined, shall be combined and dealt with for the purpose of section 2 as though they were the income of one and the same taxpayer.

R.S.O. 1960,
c. 224, s. 4,
cl. d,
subcl. iii,
amended

2. Subclause iii of clause *d* of section 4 of *The Logging Tax Act* is amended by striking out "taxable" in the tenth line and by striking out "Part III" in the twelfth line and inserting in lieu thereof "Divisions A and B of Part III".

Application
of Act

3. This Act applies in respect of the taxation years of taxpayers commencing on and after the 1st day of January, 1962.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Logging Tax Amendment Act, 1962-63*.

SECTION 2. The amendment clarifies the base upon which the processing allowance will be calculated.



At the 18th

An Act to amend
The Logging Tax Act

1st Reading

April 2nd, 1963

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 142

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Logging Tax Act

MR. ALLAN (Haldimand-Norfolk)



BILL 142

1962-63

An Act to amend The Logging Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Logging Tax Act* is amended by striking out "9" in the second line and inserting in lieu thereof "10", so that the subsection shall read as follows: R.S.O. 1960, c. 224, s. 2, subs. 1, amended

- (1) Every taxpayer shall for every taxation year pay a Tax tax of 10 per cent on the income in excess of \$10,000 that he derives during such year from logging operations.

(2) Subsection 2 of the said section 2 is amended by striking out "9" in the third line and inserting in lieu thereof "10", so that the subsection shall read as follows: R.S.O. 1960, c. 224, s. 2, subs. 2, amended

- (2) There may be deducted from the tax otherwise payable by a taxpayer under this section for a taxation year an amount equal to 10 per cent of that portion of his income from logging operations in excess of \$10,000 that is earned in the taxation year outside Ontario. Deduction from tax

(3) Subsections 4 and 5 of the said section 2 are repealed and the following substituted therefor: R.S.O. 1960, c. 224, s. 2, subss. 4, 5, re-enacted

- (4) For the purposes of determining liability to taxation under this Act, all logging operations owned, leased, worked or operated by the same taxpayer, or the income from which accrues to the same taxpayer, shall be deemed to be and be dealt with as one and the same logging operation and not as separate logging operations. Operations by same taxpayer

- (5) Where logging operations are carried on by two or more affiliated or associated corporations that are under the same general control, or where the income Affiliated corporations

of such corporations accrues for the benefit of substantially the same shareholders, the income derived from logging operations by each of such corporations shall be determined in accordance with sections 3 and 4, and the incomes thereof, after having been so determined, shall be combined and dealt with for the purpose of section 2 as though they were the income of one and the same taxpayer.

R.S.O. 1960,
c. 224, s. 4,
cl. d,
subcl. iii,
amended

2. Subclause iii of clause *d* of section 4 of *The Logging Tax Act* is amended by striking out "taxable" in the tenth line and by striking out "Part III" in the twelfth line and inserting in lieu thereof "Divisions A and B of Part III".

Application
of Act

3. This Act applies in respect of the taxation years of taxpayers commencing on and after the 1st day of January, 1962.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Logging Tax Amendment Act, 1962-63*.



An Act to amend
The Logging Tax Act

1st Reading

April 2nd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. ALLAN (Haldimand-Norfolk)

BILL 143

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Nurses Act, 1961-62

MR. DYMOND

EXPLANATORY NOTE

The purpose of this Bill is to change the name of the College from "College of Nurses" to "College of Nurses of Ontario" and to provide for an Educational Advisory Committee.

BILL 143

1962-63

An Act to amend The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Nurses Act, 1961-62* is ^{1961-62, c. 90, s. 1, cl. a, amended} amended by inserting after "Nurses" in the first line "of Ontario", so that the clause shall read as follows:

(a) "College" means the College of Nurses of Ontario established under this Act.

2.—(1) Section 2 of *The Nurses Act, 1961-62* is amended ^{1961-62, c. 90, s. 2, amended} by inserting after "Nurses" in the first line "of Ontario", so that subsection 1 of the said section shall read as follows:

(1) There shall be a college known as the College of Nurses of Ontario which shall be a corporation without share capital.

(2) The said section 2 is further amended by adding thereto ^{1961-62, c. 90, s. 2, amended} the following subsection:

(2) Every registered nurse is a member of the College. ^{Members}

3. Section 6 of *The Nurses Act, 1961-62* is amended by ^{1961-62, c. 90, s. 6, amended} striking out "and" at the end of clause *k* and by adding thereto the following clause:

(m) providing for the appointment, composition, powers and duties of the Educational Advisory Committee.

4. *The Nurses Act, 1961-62* is amended by adding thereto ^{1961-62, c. 90, amended} the following section:

6a.—(1) There shall be an Educational Advisory Committee to advise the Council with respect to matters ^{Educational Advisory Committee} pertaining to schools of nursing and training centres.

Regulations
in schools
of nursing,
etc.

- (2) Any regulation made by the Council pursuant to section 6 that pertains to schools of nursing and training centres shall be submitted to the Educational Advisory Committee at least thirty days before it is submitted to the Lieutenant Governor in Council for approval.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Nurses Amendment Act, 1962-63*.



An Act to amend The Nurses Act, 1961-62

1st Reading

April 3rd, 1963

2nd Reading

3rd Reading

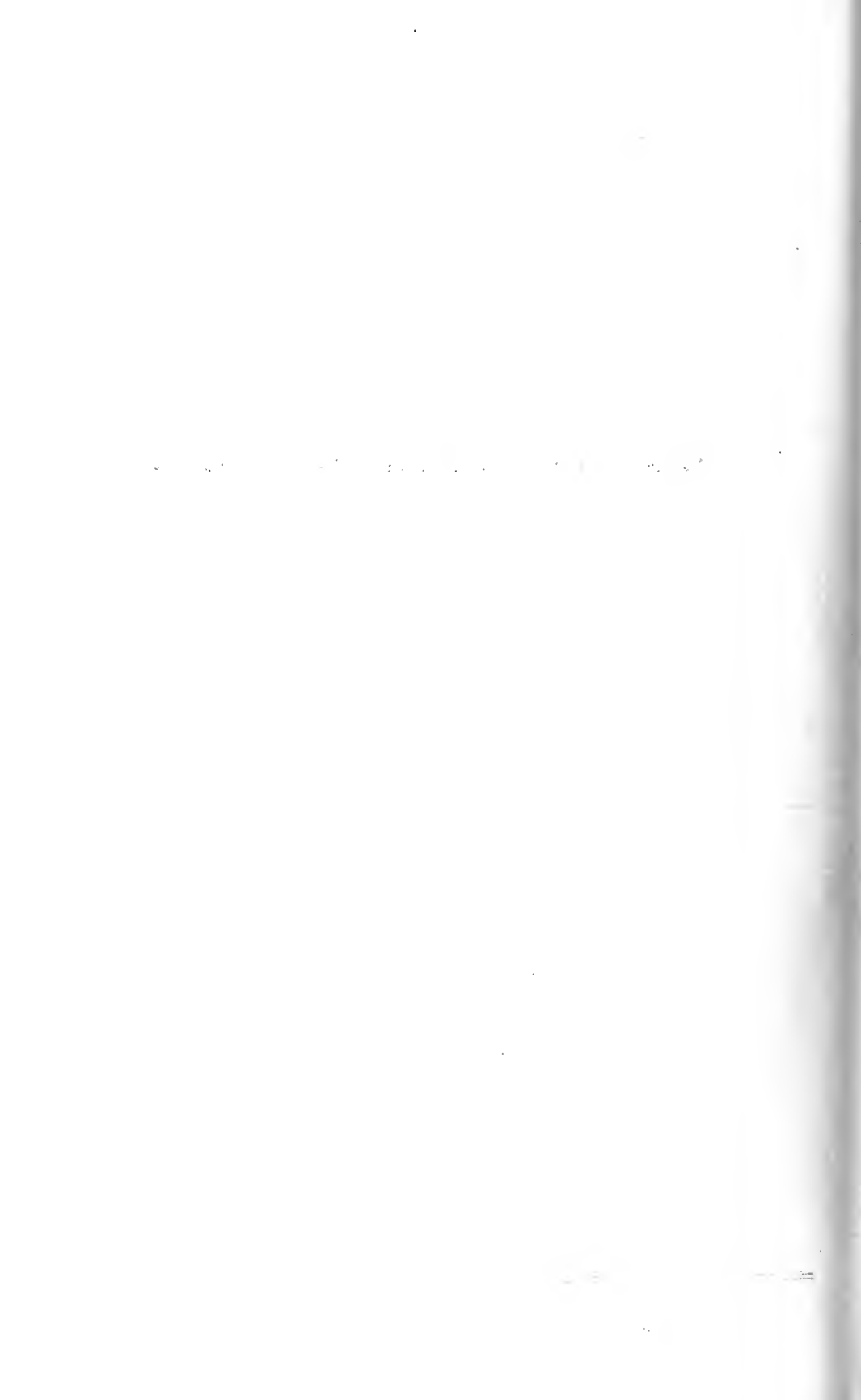
MR. DYMOND

BILL 143

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Nurses Act, 1961-62

MR. DYMOND



BILL 143

1962-63

An Act to amend The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Nurses Act, 1961-62* is ^{1961-62, c. 90,} amended by inserting after "Nurses" in the first line "of ^{s. 1, cl. *a*,} Ontario", so that the clause shall read as follows: ^{amended}

(a) "College" means the College of Nurses of Ontario established under this Act.

2.—(1) Section 2 of *The Nurses Act, 1961-62* is amended ^{1961-62, c. 90, s. 2,} by inserting after "Nurses" in the first line "of Ontario", so ^{so amended} that subsection 1 of the said section shall read as follows:

(1) There shall be a college known as the College of ^{College} Nurses of Ontario which shall be a corporation without share capital.

(2) The said section 2 is further amended by adding thereto ^{1961-62, c. 90, s. 2,} the following subsection: ^{amended}

(2) Every registered nurse is a member of the College. ^{Members}

3. Section 6 of *The Nurses Act, 1961-62* is amended by ^{1961-62, c. 90, s. 6,} striking out "and" at the end of clause *k* and by adding ^{amended} thereto the following clause:

(*m*) providing for the appointment, composition, powers and duties of the Educational Advisory Committee.

4. *The Nurses Act, 1961-62* is amended by adding thereto ^{1961-62, c. 90,} the following section: ^{amended}

6a.—(1) There shall be an Educational Advisory Com- ^{Educational} mittee to advise the Council with respect to matters ^{Advisory} pertaining to schools of nursing and training centres. ^{Committee}

Regulations
in schools
of nursing,
etc.

- (2) Any regulation made by the Council pursuant to section 6 that pertains to schools of nursing and training centres shall be submitted to the Educational Advisory Committee at least thirty days before it is submitted to the Lieutenant Governor in Council for approval.

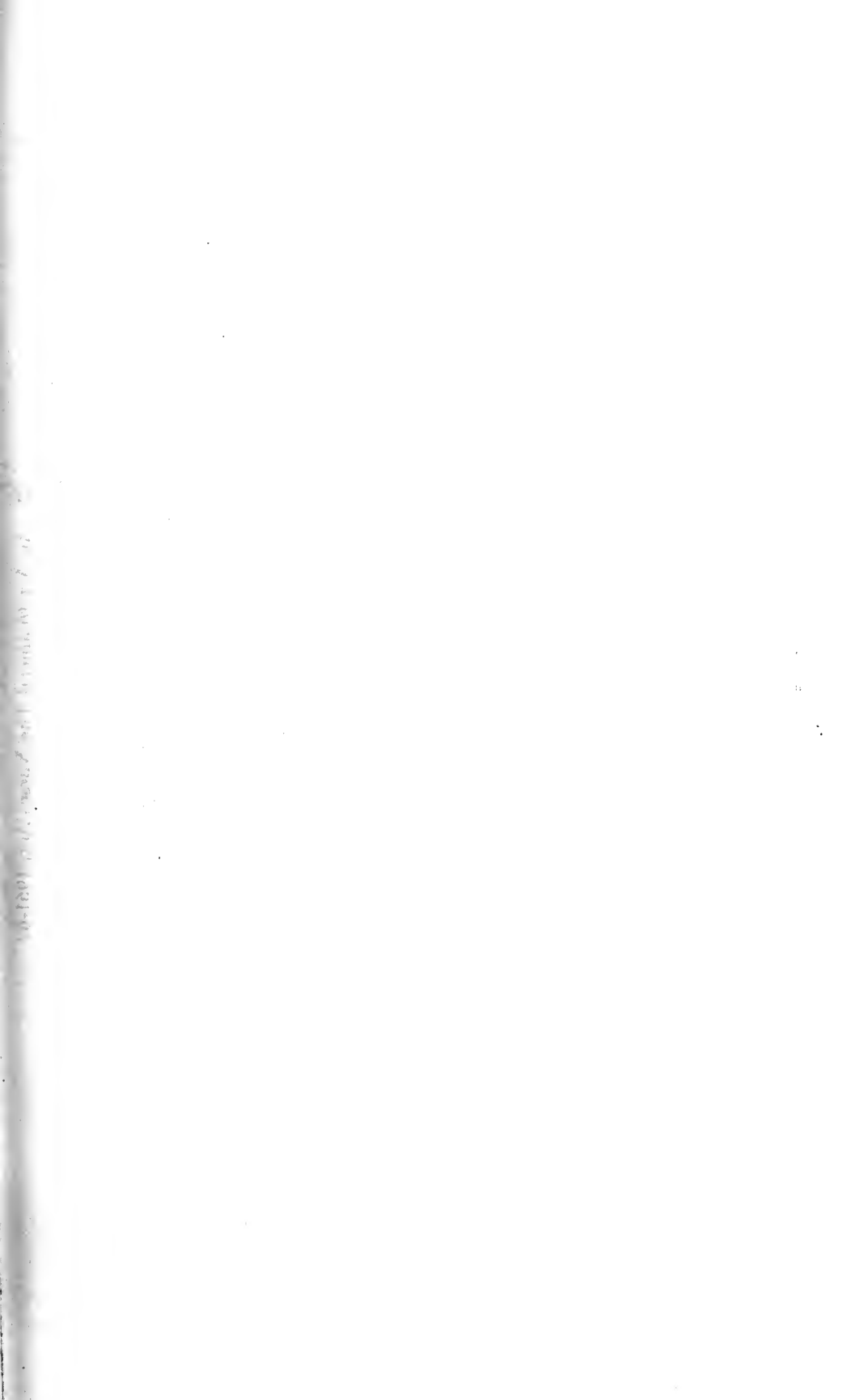
Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Nurses Amendment Act, 1962-63*.





An Act to amend The Nurses Act, 1961-62

1st Reading

April 3rd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. DYMOND

BILL 144

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Certain Lands of the University of Toronto

MR. DAVIS

EXPLANATORY NOTE

The Bill removes certain trusts from the lands of the University of Toronto described in the Schedule.

BILL 144

1962-63

**An Act respecting
Certain Lands of the University of Toronto**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands and premises described in the Schedule hereto are hereby released and discharged from the trusts set out in a deed dated the 17th day of April, 1907, from The Governors of the University of Toronto to The University Residence Trustees and registered in the Registry Office for the Registry Division of Toronto on the 19th day of April, 1907, as No. 25665 P., and in a deed dated the 14th day of January, 1921, from The University Residence Trustees to The Governors of the University of Toronto and registered in the Registry Office for the Registry Division of Toronto on the 14th day of February, 1921, as No. 83017 P. Lands
released
from trusts

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The University of Toronto Lands Act, 1962-63*. Short title

SCHEDULE

DESCRIPTION OF LANDS

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, and more particularly described as follows:

1. COMMENCING at the North-east corner of Hoskin Avenue and Devonshire Place, thence Northerly along the East limit of Devonshire Place six hundred feet (600'), thence Easterly parallel to Hoskin Avenue two hundred feet (200'), thence Southerly parallel to Devonshire Place to the North limit of Hoskin Avenue six hundred feet (600'), thence Westerly along the North limit of Hoskin Avenue two hundred feet (200') to the place of beginning; which includes, a part of Park Lot No. 13 and Lots Nos. 4, 5, 6, the southerly twenty-two feet (22') from front to rear of Lot No. 40 and Lots Nos. 41, 42, 43, 44, 45, 46, 47, and 48, according to Plan 101E, being Plan of a sub-division of part of the University Grounds, registered in the Registry Office for the City of Toronto;

2. COMMENCING at the North-west corner of Hoskin Avenue and Devonshire Place, thence Northerly along the West limit of Devonshire Place two hundred and forty feet (240'), thence Westerly parallel to Hoskin Avenue one hundred and fifty feet (150'), thence Southerly parallel to Devonshire Place two hundred and forty feet (240') to the North limit of Hoskin Avenue, thence Easterly along the said North limit one hundred and fifty feet (150') to the place of beginning, being otherwise described as Lots Nos. 1, 2, 3, 7, and the Southerly twenty feet (20') of Lot No. 8 from front to rear, according to said Plan 101 E.



An Act respecting Certain Lands of the
University of Toronto

1st Reading

April 3rd, 1963

2nd Reading

3rd Reading

MR. DAVIS

BILL 144

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Certain Lands of the University of Toronto

MR. DAVIS



BILL 144

1962-63

**An Act respecting
Certain Lands of the University of Toronto**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands and premises described in the Schedule hereto are hereby released and discharged from the trusts ^{Lands released from trusts} set out in a deed dated the 17th day of April, 1907, from The Governors of the University of Toronto to The University Residence Trustees and registered in the Registry Office for the Registry Division of Toronto on the 19th day of April, 1907, as No. 25665 P., and in a deed dated the 14th day of January, 1921, from The University Residence Trustees to The Governors of the University of Toronto and registered in the Registry Office for the Registry Division of Toronto on the 14th day of February, 1921, as No. 83017 P.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The University of Toronto Lands Act, 1962-63.* Short title

SCHEDULE

DESCRIPTION OF LANDS

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, and more particularly described as follows:

1. COMMENCING at the North-east corner of Hoskin Avenue and Devonshire Place, thence Northerly along the East limit of Devonshire Place six hundred feet (600'), thence Easterly parallel to Hoskin Avenue two hundred feet (200'), thence Southerly parallel to Devonshire Place to the North limit of Hoskin Avenue six hundred feet (600'), thence Westerly along the North limit of Hoskin Avenue two hundred feet (200') to the place of beginning; which includes, a part of Park Lot No. 13 and Lots Nos. 4, 5, 6, the southerly twenty-two feet (22') from front to rear of Lot No. 40 and Lots Nos. 41, 42, 43, 44, 45, 46, 47, and 48, according to Plan 101E, being Plan of a sub-division of part of the University Grounds, registered in the Registry Office for the City of Toronto;

2. COMMENCING at the North-west corner of Hoskin Avenue and Devonshire Place, thence Northerly along the West limit of Devonshire Place two hundred and forty feet (240'), thence Westerly parallel to Hoskin Avenue one hundred and fifty feet (150'), thence Southerly parallel to Devonshire Place two hundred and forty feet (240') to the North limit of Hoskin Avenue, thence Easterly along the said North limit one hundred and fifty feet (150') to the place of beginning, being otherwise described as Lots Nos. 1, 2, 3, 7, and the Southerly twenty feet (20') of Lot No. 8 from front to rear, according to said Plan 101 E.



An Act respecting Certain Lands of the
University of Toronto

1st Reading

April 3rd, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. DAVIS

BILL 145

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Corporations Information Act

MR. YAREMKO

EXPLANATORY NOTES

SECTION 1—Subsection 1. Under *The Corporations Act* it is necessary in certain cases for the Department to send notices to the directors of record of a corporation, and it is therefore necessary for the Department to have some address on record to which such notices may be sent.

Subsection 2. The burden imposed upon corporations by the repealed provisions, which provided for naming a representative in Ontario for the purpose of service of process on the corporation, has proved to be greater than the benefits to be derived therefrom. The provisions are therefore repealed.

Subsection 3. Subsection 8 provides a penalty for a president or director of a corporation who makes a false certificate in an annual return.

Occasionally a return is filed and the certificate thereto is false, but the certificate, while purporting to be made by the president or a director, is in fact made by a person who is not the president or a director of the corporation.

This amendment will impose upon any such person the same penalty for making a false statement as if he were in fact the president or a director of the corporation and had made a false statement.

BILL 145

1962-63

An Act to amend The Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5a of section 3 of *The Corporations Information Act*, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, is amended by adding at the end thereof “and the residence address, giving street and number, if any, of each such person”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 72, s. 3,
subs. 5a
(1961-62,
c. 22, s. 1),
amended

(5a) Every corporation to which subsection 1 applies shall file with the Provincial Secretary a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person.

Changes in
board of
directors

(2) Subsections 5c and 5d of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, are repealed.

R.S.O. 1960,
c. 72, s. 3,
subs. 5c, 5d
(1961-62,
c. 22, s. 1),
repealed

(3) Subsection 8 of the said section 3 is amended by striking out “The president or a director of a corporation” in the first line and inserting in lieu thereof “Every person” and by striking out “this section” in the third line and inserting in lieu thereof “subsection 3”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 72, s. 3,
subs. 8,
amended

(8) Every person who knowingly makes a statement false in any material particular in a certificate required by subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or both.

Offence

R.S.O. 1960,
c. 72, s. 3,
amended

(4) The said section 3 is amended by adding thereto the following subsections:

Limitation
upon prose-
cutions

(8a) No prosecution under subsection 8 shall be commenced more than one year after the facts upon which the prosecution is based first come to the personal knowledge of the Provincial Secretary or Deputy Provincial Secretary.

Onus of
proof

(8b) In a prosecution under subsection 8, the onus is upon the accused to establish that he did not know that the statement was false or that he had reasonable grounds to believe that the statement was true.

Certificate
as proof

(14) A certificate purporting to be under the seal of the Provincial Secretary and under the hand of the Provincial Secretary or the Deputy Provincial Secretary that the person named in the certificate on the date or during the period specified in the certificate is shown on the records in the office of the Provincial Secretary as a director or officer of the corporation named in the certificate is admissible as *prima facie* proof in a prosecution or action under this section that such person is so shown and that such person is or was a director or officer, as the case may be, of such corporation on such date or during such period, without proof of the seal of office of the Provincial Secretary or of the signature or of the official character of the person appearing to have signed the certificate.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Corporations Information Amendment Act, 1962-63*.

Subsection 4. These provisions are new. They are self-explanatory and will enable the Department to prosecute effectively persons who contravene the annual return provisions of the Act.

Under the present law a prosecution must be initiated within six months after the false statement was made. The extension to one year after the facts become known to the Department is required in order that the Department may enforce the provision effectively.



An Act to amend
The Corporations Information Act

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

MR. YAREMKO

BILL 145

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Corporations Information Act

MR. YAREMKO

BILL 145

1962-63

An Act to amend The Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5a of section 3 of *The Corporations Information Act*, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, is amended by adding R.S.O. 1960, c. 72, s. 3, subs. 5a (1961-62, c. 22, s. 1), amended at the end thereof "and the residence address, giving street and number, if any, of each such person", so that the subsection shall read as follows:

(5a) Every corporation to which subsection 1 applies shall Changes in board of directors file with the Provincial Secretary a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person.

(2) Subsections 5c and 5d of the said section 3, as enacted R.S.O. 1960, c. 72, s. 3, subs. 5c, 5d (1961-62, c. 22, s. 1), repealed by section 1 of *The Corporations Information Amendment Act, 1961-62*, are repealed.

(3) Subsection 8 of the said section 3 is amended by striking R.S.O. 1960, c. 72, s. 3, subs. 8, amended out "The president or a director of a corporation" in the first line and inserting in lieu thereof "Every person" and by striking out "this section" in the third line and inserting in lieu thereof "subsection 3", so that the subsection shall read as follows:

(8) Every person who knowingly makes a statement Offence false in any material particular in a certificate required by subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or both.

R.S.O. 1960,
c. 72, s. 3,
amended

(4) The said section 3 is amended by adding thereto the following subsections:

Limitation
upon prose-
cutions

(8a) No prosecution under subsection 8 shall be commenced more than one year after the facts upon which the prosecution is based first come to the personal knowledge of the Provincial Secretary or Deputy Provincial Secretary.

Onus of
proof

(8b) In a prosecution under subsection 8, the onus is upon the accused to establish that he did not know that the statement was false or that he had reasonable grounds to believe that the statement was true.

Certificate
as proof

(14) A certificate purporting to be under the seal of the Provincial Secretary and under the hand of the Provincial Secretary or the Deputy Provincial Secretary that the person named in the certificate on the date or during the period specified in the certificate is shown on the records in the office of the Provincial Secretary as a director or officer of the corporation named in the certificate is admissible as *prima facie* proof in a prosecution or action under this section that such person is so shown and that such person is or was a director or officer, as the case may be, of such corporation on such date or during such period, without proof of the seal of office of the Provincial Secretary or of the signature or of the official character of the person appearing to have signed the certificate.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Corporations Information Amendment Act, 1962-63*.



An Act to amend
The Corporations Information Act

1st Reading

April 17th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. YAREMKO

BILL 146

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Corporations Act

MR. YAREMKO

EXPLANATORY NOTES

SECTION 1. Under the present Act the minimum number of applicants required for the incorporation of any corporation, either with or without share capital, is three. The new provision will require at least ten applicants in the case of social clubs.

SECTION 2. These provisions, applicable to incorporated social clubs, have been included in letters patent since 1950 and have been set out in the regulations under the Act since 1954. They did not apply to social clubs incorporated before 1950.

They are now transferred to the Act and made applicable to all social clubs.

BILL 146

1962-63

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 71, s. 3,
amended

(1a) Notwithstanding subsection 1, where the objects for ^{Social clubs} which the corporation is to be incorporated are in whole or in part of a social nature, the number of applicants shall be not fewer than ten.

2. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 71,
amended

325a. Notwithstanding anything to the contrary in any Act, in any letters patent or in any supplementary <sup>Social clubs,
cause for
cancellation</sup> letters patent, if it is made to appear to the satisfaction of the Provincial Secretary that a corporation that has objects in whole or in part of a social nature,

(a) occupies and uses a house, room or place as a club that, except for paragraph *a* of subsection 2 of section 168 of the *Criminal Code* <sup>1953-54,
c. 51 (Can.)</sup> (Canada), would be a common gaming house within the meaning of paragraph *d* of subsection 1 of the said section 168; or

(b) occupies premises that are equipped, guarded, constructed or operated so as to hinder or prevent lawful access to and inspection by police or fire officers, or are found fitted or provided with any means or contrivance for playing any game of chance or any mixed game of chance and skill, gaming or betting or with any device for concealing, removing or destroying such means or contrivance,

the Lieutenant Governor may make an order under subsection 1 of section 326.

R.S.O. 1960,
c. 71, s. 326,
amended

3. Section 326 of *The Corporations Act* is amended by adding thereto the following subsections:

Inquiry

- (1a) The Provincial Secretary, under such circumstances and at any time as he in his discretion thinks advisable, may authorize any officer of the Department of the Provincial Secretary to conduct an inquiry for the purpose of determining whether or not there is sufficient cause for the making of an order under subsection 1.

Powers of
inquiring
officer

- (1b) Every officer so authorized has the power to summon any person to appear before him as a witness in such inquiry and to require such person to give evidence on oath, touching any matter relevant to the purpose of the inquiry, and to produce such documents and things as such officer deems requisite for that purpose.

Witnesses

- (1c) Every such officer has the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases.

Witness may
be required
to answer
R.S.O. 1960,
c. 125

- (1d) Section 9 of *The Evidence Act* applies to any witness and to the evidence given by him before any such officer in any such inquiry.

Appeal

- (1e) An appeal lies from an order made under subsection 1 to the Court of Appeal upon a question of law only.

Rules on
appeal

- (1f) The rules and practice applicable to an appeal from a judge of the Supreme Court to the Court of Appeal are applicable, as nearly as may be, to an appeal under subsection 1e.

Provincial
Secretary
to be heard

- (1g) The Provincial Secretary is entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

No costs

- (1h) No costs are payable by or to any person by reason of or in respect of any such appeal.

R.S.O. 1960,
c. 71,
amended

4. *The Corporations Act* is amended by adding thereto the following section:

Continuation
of existence
for limited
period for
particular
purpose

- 326a. Notwithstanding its dissolution under section 326, a corporation continues in existence,

- (a) for a period of three years after the date of its dissolution for the purpose only of prosecuting or defending any action, suit or other proceeding commenced by or against it prior to its dissolution; and

SECTION 3. These new provisions authorize the Provincial Secretary to order an inquiry, from which an appeal lies to the Court of Appeal, before cancelling the letters patent of a corporation for cause.

SECTION 4. Under section 326 of the Act letters patent may be cancelled (1) where sufficient cause is shown, and (2) where the corporation is in default for a period of three years in filing its annual returns.

The purpose of the new section 326*a* is to provide for the continuation of the cancellation proceedings without affecting any other outstanding proceedings.

SECTION 5—Subsection 1. This amendment will create an offence for making a false statement in an affidavit of *bona fides* required to be filed under the regulations for the incorporation of a corporation.

Subsection 2. Under the present law a prosecution must be instituted within six months after the false statement was made. The extension to one year after the facts become known to the Department is required in order that the Department may enforce the Act effectively.

- (b) until such time, beyond the three-year period mentioned in clause *a*, if necessary, as any decree, order or judgment of a court of competent jurisdiction in any such action, suit or other proceeding is fully executed.

5.—(1) Section 339 of *The Corporations Act* is amended by ^{R.S.O. 1960,} inserting after “Act” in the third line “or the regulations ^{c. 71, s. 339,} amended made under this Act”, so that subsection 1 of the said section shall read as follows:

- (1) Every person who makes or assists in making a ^{Untrue} statement in any return, certificate, financial statement or other document required by or for the purposes of this Act or the regulations made under this Act, knowing it to be untrue, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both.

(2) The said section 339 is further amended by adding ^{R.S.O. 1960,} thereto the following subsection: ^{c. 71, s. 339,} amended

- (2) No prosecution under subsection 1 shall be commenced more than one year after the facts upon which the prosecution is based first came to the personal knowledge of the Provincial Secretary or Deputy Provincial Secretary. ^{Limitation of action}

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

7. This Act may be cited as *The Corporations Amendment* ^{Short title} Act, 1962-63 (No. 2).

An Act to amend The Corporations Act

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

MR. YAREMKO

BILL 146

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Corporations Act

MR. YAREMKO



BILL 146

1962-63

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 71, s. 3,
amended

(1a) Notwithstanding subsection 1, where the objects for Social
clubs which the corporation is to be incorporated are in whole or in part of a social nature, the number of applicants shall be not fewer than ten.

2. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 71,
amended

325a. Notwithstanding anything to the contrary in any Act, in any letters patent or in any supplementary letters patent, if it is made to appear to the satisfaction of the Provincial Secretary that a corporation that has objects in whole or in part of a social nature, Social clubs,
cause for
cancellation

(a) occupies and uses a house, room or place as a club that, except for paragraph *a* of subsection 2 of section 168 of the *Criminal Code* 1953-54,
c. 51 (Can.) (Canada), would be a common gaming house within the meaning of paragraph *d* of subsection 1 of the said section 168; or

(b) occupies premises that are equipped, guarded, constructed or operated so as to hinder or prevent lawful access to and inspection by police or fire officers, or are found fitted or provided with any means or contrivance for playing any game of chance or any mixed game of chance and skill, gaming or betting or with any device for concealing, removing or destroying such means or contrivance,

the Lieutenant Governor may make an order under subsection 1 of section 326.

R.S.O. 1960,
c. 71, s. 326,
amended

3. Section 326 of *The Corporations Act* is amended by adding thereto the following subsections:

Inquiry

- (1a) The Provincial Secretary, under such circumstances and at any time as he in his discretion thinks advisable, may authorize any officer of the Department of the Provincial Secretary to conduct an inquiry for the purpose of determining whether or not there is sufficient cause for the making of an order under subsection 1.

Powers of
inquiring
officer

- (1b) Every officer so authorized has the power to summon any person to appear before him as a witness in such inquiry and to require such person to give evidence on oath, touching any matter relevant to the purpose of the inquiry, and to produce such documents and things as such officer deems requisite for that purpose.

Witnesses

- (1c) Every such officer has the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases.

Witness may
be required
to answer
R.S.O. 1960,
c. 125

- (1d) Section 9 of *The Evidence Act* applies to any witness and to the evidence given by him before any such officer in any such inquiry.

Appeal

- (1e) An appeal lies from an order made under subsection 1 to the Court of Appeal upon a question of law only.

Rules on
appeal

- (1f) The rules and practice applicable to an appeal from a judge of the Supreme Court to the Court of Appeal are applicable, as nearly as may be, to an appeal under subsection 1e.

Provincial
Secretary
to be heard

- (1g) The Provincial Secretary is entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

No costs

- (1h) No costs are payable by or to any person by reason of or in respect of any such appeal.

R.S.O. 1960,
c. 71,
amended

4. *The Corporations Act* is amended by adding thereto the following section:

Continuation
of existence
for limited
period for
particular
purpose

- 326a. Notwithstanding its dissolution under section 326, a corporation continues in existence,

- (a) for a period of three years after the date of its dissolution for the purpose only of prosecuting or defending any action, suit or other proceeding commenced by or against it prior to its dissolution; and

- (b) until such time, beyond the three-year period mentioned in clause *a*, if necessary, as any decree, order or judgment of a court of competent jurisdiction in any such action, suit or other proceeding is fully executed.

5.—(1) Section 339 of *The Corporations Act* is amended by R.S.O. 1960,
inserting after “Act” in the third line “or the regulations amended c. 71, s. 339,
made under this Act”, so that subsection 1 of the said section shall read as follows:

- (1) Every person who makes or assists in making a ^{Untrue statements} statement in any return, certificate, financial statement or other document required by or for the purposes of this Act or the regulations made under this Act, knowing it to be untrue, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both.

(2) The said section 339 is further amended by adding R.S.O. 1960,
thereto the following subsection: c. 71, s. 339,
amended

- (2) No prosecution under subsection 1 shall be com- ^{Limitation of action}
menced more than one year after the facts upon which the prosecution is based first came to the personal knowledge of the Provincial Secretary or Deputy Provincial Secretary.

6. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

7. This Act may be cited as *The Corporations Amendment* ^{Short title}
Act, 1962-63 (No. 2).

An Act to amend 'The Corporations Act

1st Reading

April 17th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. YARENKO

BILL 147

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Apprenticeship Act

MR. ROWNTREE

EXPLANATORY NOTE

The purpose of this Bill is to remove the age limit of apprentices in Schedule A trades.

BILL 147

1962-63

An Act to amend The Apprenticeship Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause i of clause a of section 1 of *The Apprenticeship Act* is amended by striking out "minor" in the second line and inserting in lieu thereof "person", so that the subclause shall read as follows: R.S.O. 1960, c. 17, s. 1, cl. a, subcl. i, amended

- (i) in any of the designated trades specified in or added to Schedule A, a person at least sixteen years of age who enters into a contract of service whereby he is to receive from or through his employer in whole or in part training and instruction in such designated trade, and

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Apprenticeship Amendment Act, 1962-63*. Short title

An Act to amend The Apprenticeship Act

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 147

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Apprenticeship Act

MR. ROWNTREE



BILL 147

1962-63

An Act to amend The Apprenticeship Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause i of clause *a* of section 1 of *The Apprenticeship Act* is amended by striking out "minor" in the second line and inserting in lieu thereof "person", so that the subclause shall read as follows: R.S.O. 1960, c. 17, s. 1, cl. a, subcl. i, amended

- (i) in any of the designated trades specified in or added to Schedule A, a person at least sixteen years of age who enters into a contract of service whereby he is to receive from or through his employer in whole or in part training and instruction in such designated trade, and

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Apprenticeship Amendment Act, 1962-63*. Short title

An Act to amend The Apprenticeship Act

1st Reading

April 17th, 1963

2nd Reading

April 23rd, 1963

3rd Reading

April 26th, 1963

Mr. ROWNTREE

BILL 148

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. ALLAN (Haldimand-Norfolk)

1. 1. 1. 1.



1. 1. 1. 1.

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$125,000,000.

Loans up to
\$125,000,000
authorized

R.S.O. 1960,
c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1962-63*.



of 1866, on the Credit of the
of 1866, on the Credit of the
of 1866, on the Credit of the

An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

Mr. ALLAN (Haldimand-Norfolk)

BILL 148

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. ALLAN (Haldimand-Norfolk)



BILL 148

1962-63

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$125,000,000.

Loans up to
\$125,000,000
authorized

R.S.O. 1960,
c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1962-63*.





An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

April 17th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. ALLAN (Haldimand-Norfolk)

BILL 149

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to provide for Compensation for Damage to Property by Hunters

MR. STEWART

EXPLANATORY NOTE

This Bill provides for the payment of compensation for death of or injury to live stock or damage to property where the death, injury or damage is occasioned by a hunter.

BILL 149

1962-63

An Act to provide for Compensation for Damage to Property by Hunters

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "live stock" means cattle, horses, sheep, swine or poultry;
- (b) "Minister" means the Minister of Agriculture;
- (c) "regulations" means the regulations made under this Act.

2. The Lieutenant Governor in Council may appoint persons to act as valuers for the purposes of this Act.

Appoint-
ment of
valuers

3.—(1) Where death of or injury to live stock, or damage to such classes of property as are designated in the regulations, is occasioned by a hunter, the person who would have a cause of action against the hunter in respect of such death, injury or damage may make an application for compensation to the Minister in the manner prescribed in the regulations.

Application
for com-
pensation

(2) The Minister may, in respect of an application made under subsection 1, pay to the applicant such amount as the Minister deems reasonable, but not exceeding the market value of the live stock or other property in respect of which payment is made.

Payment
of com-
pensation

(3) Where an amount has been paid under subsection 2, the Minister is subrogated to the rights of the person to whom such amount has been paid and the Minister may maintain an action in his name or in the name of such person against any other person or persons responsible for the death, injury or damage in respect of which such amount has been paid.

Minister
subrogated
to rights of
applicant

Paid out of
Consolidated
Revenue
Fund until
March 31,
1964

4. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1964, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Regulations

5. The Lieutenant Governor in Council may make regulations,

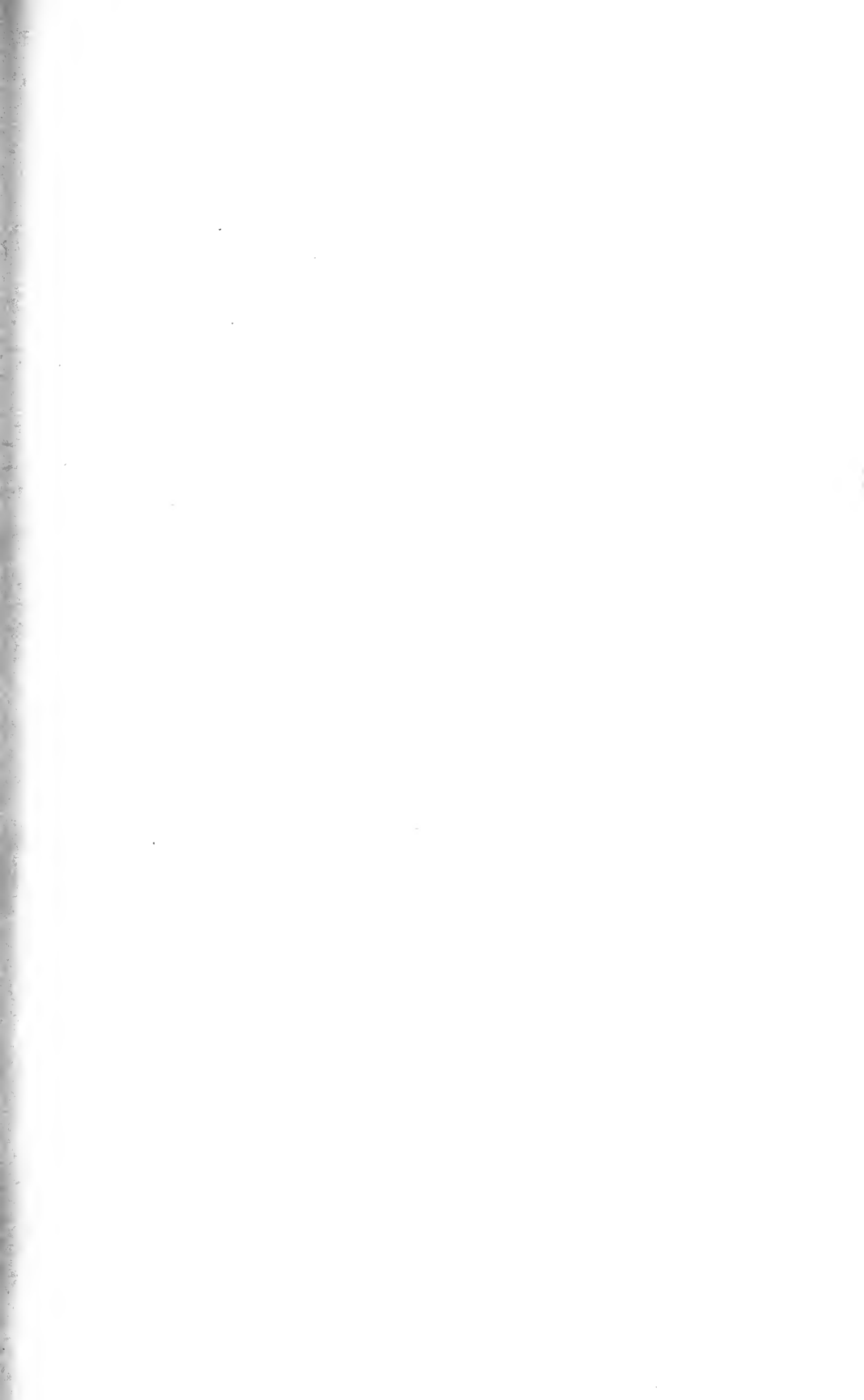
- (a) designating classes of persons to whom this Act shall not apply;
- (b) designating classes of property to which section 3 applies;
- (c) prescribing the manner of making an application for compensation;
- (d) prescribing the conditions under which an application for compensation may be made;
- (e) prescribing the conditions under which compensation may be paid;
- (f) prescribing forms and providing for their use;
- (g) prescribing the duties of valuers;
- (h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Hunter Damage Compensation Act, 1962-63*.



An Act to provide for Compensation for
Damage to Property by Hunters

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

MR. STEWART

BILL 149

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to provide for Compensation for Damage to Property by Hunters

MR. STEWART



An Act to provide for Compensation for Damage to Property by Hunters

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "live stock" means cattle, horses, sheep, swine or poultry;

(b) "Minister" means the Minister of Agriculture;

(c) "regulations" means the regulations made under this Act.

2. The Lieutenant Governor in Council may appoint persons to act as valuers for the purposes of this Act.

Appoint-
ment of
valuers

3.—(1) Where death of or injury to live stock, or damage to such classes of property as are designated in the regulations, is occasioned by a hunter, the person who would have a cause of action against the hunter in respect of such death, injury or damage may make an application for compensation to the Minister in the manner prescribed in the regulations.

Application
for com-
pensation

(2) The Minister may, in respect of an application made under subsection 1, pay to the applicant such amount as the Minister deems reasonable, but not exceeding the market value of the live stock or other property in respect of which payment is made.

Payment
of com-
pensation

(3) Where an amount has been paid under subsection 2, the Minister is subrogated to the rights of the person to whom such amount has been paid and the Minister may maintain an action in his name or in the name of such person against any other person or persons responsible for the death, injury or damage in respect of which such amount has been paid.

Minister
subrogated
to rights of
applicant

Paid out of
Consolidated
Revenue
Fund until
March 31,
1964

4. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1964, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Regulations

5. The Lieutenant Governor in Council may make regulations,

- (a) designating classes of persons to whom this Act shall not apply;
- (b) designating classes of property to which section 3 applies;
- (c) prescribing the manner of making an application for compensation;
- (d) prescribing the conditions under which an application for compensation may be made;
- (e) prescribing the conditions under which compensation may be paid;
- (f) prescribing forms and providing for their use;
- (g) prescribing the duties of valuers;
- (h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Hunter Damage Compensation Act, 1962-63*.



THE UNIVERSITY OF CHICAGO

An Act to provide for Compensation for
Damage to Property by Hunters

1st Reading

April 17th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. STEWART

BILL 150

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Jurors Act

MR. CASS

EXPLANATORY NOTE

The purpose of this Bill is to provide in special circumstances for additional jurors where the jury list has been prepared.

BILL 150

1962-63

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jurors Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 199,
amended

- 43a.—(1) Notwithstanding any other provision of this Act, where in special circumstances the Chief Justice of the High Court is satisfied that a jury list prepared in the manner provided by this Act will not provide a sufficient number of jurors for the purposes of any sittings of any court for which such jury list was prepared, he may order the sheriff to enlarge such jury list by adding thereto, in the manner hereinafter provided, such number of additional names as the Chief Justice deems necessary. Enlarging
jury lists
- (2) Upon receipt of such an order, the sheriff shall forthwith attend at the office of the clerk of the peace and select the additional number of jurors required from the names not marked as transferred to a jury list on the proper jurors' roll. Duties of
sheriff as to
selecting
additional
number
of jurors
- (3) Where there is not a sufficient number of names upon the proper jurors' roll, the sheriff shall select so many of the additional number of jurors as are required from the names not marked as transferred to a jury list on any of the jurors' rolls in the current jurors' book or on any of the jurors' rolls in the jurors' book of the nearest or any preceding year for which there is a jurors' book or a certified copy thereof in existence. If not a
sufficient
number on
jurors' roll
- (4) The clerk of the peace shall thereupon transfer the names selected by the sheriff to the jury list and shall mark each of such names on the appropriate jurors' Duties of
clerk of
the peace

roll as transferred to the jury list by a reference to the jury list to which it has been transferred and the number belonging to it on that list.

Sheriff and
clerk of the
peace to
certify
enlarged
jury list

- (5) As soon as the additional names have been added to the jury list, the sheriff and the clerk of the peace shall certify under their hands in the jurors' book, immediately after such additional names, that the jury list has been enlarged pursuant to this section, and the jurors' book with the jury list so enlarged and certified shall then be returned to the custody of the clerk of the peace.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Jurors Amendment Act, 1962-63*.



An Act to amend The Jurors Act

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 150

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Jurors Act

MR. CASS



An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jurors Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 199,
amended

- 43a.—(1) Notwithstanding any other provision of this Act, where in special circumstances the Chief Justice of the High Court is satisfied that a jury list prepared in the manner provided by this Act will not provide a sufficient number of jurors for the purposes of any sittings of any court for which such jury list was prepared, he may order the sheriff to enlarge such jury list by adding thereto, in the manner hereinafter provided, such number of additional names as the Chief Justice deems necessary. Enlarging
jury lists
- (2) Upon receipt of such an order, the sheriff shall forthwith attend at the office of the clerk of the peace and select the additional number of jurors required from the names not marked as transferred to a jury list on the proper jurors' roll. Duties of
sheriff as to
selecting
additional
number
of jurors
- (3) Where there is not a sufficient number of names upon the proper jurors' roll, the sheriff shall select so many of the additional number of jurors as are required from the names not marked as transferred to a jury list on any of the jurors' rolls in the current jurors' book or on any of the jurors' rolls in the jurors' book of the nearest or any preceding year for which there is a jurors' book or a certified copy thereof in existence. If not a
sufficient
number on
jurors' roll
- (4) The clerk of the peace shall thereupon transfer the names selected by the sheriff to the jury list and shall mark each of such names on the appropriate jurors' Duties of
clerk of
the peace

roll as transferred to the jury list by a reference to the jury list to which it has been transferred and the number belonging to it on that list.

Sheriff and
clerk of the
peace to
certify
enlarged
jury list

- (5) As soon as the additional names have been added to the jury list, the sheriff and the clerk of the peace shall certify under their hands in the jurors' book, immediately after such additional names, that the jury list has been enlarged pursuant to this section, and the jurors' book with the jury list so enlarged and certified shall then be returned to the custody of the clerk of the peace.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Jurors Amendment Act, 1962-63*.



THE UNIVERSITY OF CHICAGO

An Act to amend The Jurors Act

1st Reading

April 17th, 1963

2nd Reading.

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 151

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Securities Act

MR. CASS

EXPLANATORY NOTES

The purpose of this Bill is,

- (i) to re-organize the Ontario Securities Commission so that the Commission will determine matters of general policy, initiate investigations and review suspensions and cancellations of registrations, while a new officer, to be known as the director, will direct the day-to-day operations of the Commission;
- (ii) to provide that a registration shall not be suspended or cancelled by the director without affording the registrant an opportunity to be heard, except that in unusual circumstances a registration may be suspended, but in these cases an immediate hearing and review by the Commission is provided;
- (iii) to provide the right to a hearing and review by the Commission of any order of the director suspending or cancelling a registration;
- (iv) to give the Commission a second and wider power to investigate, which may be exercised only with the consent of the Attorney General.

BILL 151

1962-63

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Securities Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 363, s. 1, amended

(*da*) "director" means the director of the Commission appointed under this Act.

2. Subsection 2 of section 2 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 2, subs. 2, re-enacted

(2) Two members of the Commission constitute a quorum.

3. Sections 3, 4 and 5 of *The Securities Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 363, ss. 3, 4, re-enacted; s. 5, repealed

3. There shall be a branch of the Department of the Attorney General, to be known as the Securities Branch, which shall consist of the Commission, the director, the registrar and such other officers, clerks, stenographers and employees as are appointed under *The Public Service Act, 1961-62*. Securities Branch
1961-62, c. 121

4. The director may exercise the powers and shall perform the duties vested in or imposed upon him by this Act, and he may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned to him by the Commission, except those mentioned in sections 21 to 27 and 29, and, subject to the direction of the Commission, he shall have control of the administration of the Securities Branch and the staff thereof. Functions of director

R.S.O. 1960,
o. 363, s. 6,
subs. 2,
amended

4.—(1) Subsection 2 of section 6 of *The Securities Act* is amended by inserting after “thereof” in the eighth line “who are designated by the director as trading officials”, so that the subsection shall read as follows:

Where
separate
registration
of partners,
officers and
officials not
required

- (2) Where a person or company is registered as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, as the case may be, on behalf of such person or company without separate registration, and, where a company is registered as a security issuer, the officials thereof who are designated by the director as trading officials may act on its behalf in connection with a trade in a security by such company without separate registration.

R.S.O. 1960,
c. 363, s. 6,
subs. 4,
amended

- (2) Subsection 4 of the said section 6 is amended by striking out “Commission” in the seventh line and inserting in lieu thereof “director”.

R.S.O. 1960,
c. 363, s. 7,
amended

5.—(1) Section 7 of *The Securities Act* is amended by striking out “Commission” in the first line and in the second and third lines and inserting in lieu thereof in each instance “director”.

R.S.O. 1960,
c. 363, s. 7,
amended

- (2) The said section 7 is further amended by adding thereto the following subsection:

Refusal of
registration

- (2) The director shall not refuse to grant or refuse to renew registration without giving the applicant an opportunity to be heard.

R.S.O. 1960,
c. 363, s. 8,
re-enacted

6. Section 8 of *The Securities Act* is repealed and the following substituted therefor:

Suspension,
cancellation

8. The director, after giving the registrant an opportunity to be heard, shall suspend or cancel any registration where in his opinion such action is in the public interest, but, where the granting of an opportunity to be heard would in his opinion be prejudicial to the public interest, he may suspend any registration without giving the registrant an opportunity to be heard, in which case he shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 29.

7. Section 9 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 363, s. 9,
re-enacted

9. A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed. Further
application
for regis-
tration

8. Section 12 of *The Securities Act* is amended by striking out "registrar may and" in the first line and inserting in lieu thereof "director" and by adding at the end thereof "by a person designated by the Commission", so that the section shall read as follows: R.S.O. 1960,
c. 363, s. 12,
amended

12. The director shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registered person or any partner, officer, director or employee of the registered person or company to submit to examination under oath by a person designated by the Commission. Further
information

9.—(1) Subsection 1 of section 14 of *The Securities Act* is amended by striking out "Commission" in the second line and inserting in lieu thereof "director". R.S.O. 1960,
c. 363, s. 14,
subs. 1,
amended

(2) Subsection 2 of the said section 14 is amended by striking out "Commission" in the third line and inserting in lieu thereof "director". R.S.O. 1960,
c. 363, s. 14,
subs. 2,
amended

10.—(1) Section 21 of *The Securities Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 363, s. 21,
amended

(1a) The Commission may, with the consent of the Attorney General, by order appoint any person to make such investigation as it deems expedient for the due administration of this Act or into any matter relating to a trade in securities, and in such order shall determine and prescribe the scope of the investigation. Idem

(2) Subsection 2 of the said section 21 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "this section". R.S.O. 1960,
c. 363, s. 21,
subs. 2,
amended

(3) Subsection 3 of the said section 21 is amended by striking out "For the purposes of subsections 1 and 2, the person making the investigation" in the first and second lines R.S.O. 1960,
c. 363, s. 21,
subs. 3,
amended

and inserting in lieu thereof "The person making an investigation under this section", so that the subsection, exclusive of the clauses, shall read as follows:

Power to
summon
witnesses
and require
production

- (3) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,

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R.S.O. 1960,
c. 363, s. 21,
subs. 3, cl. c,
amended

- (4) Clause *c* of subsection 3 of the said section 21 is amended by inserting after "client" in the fourth line "unless the client consents", so that the clause shall read as follows:

- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client unless the client consents; and

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R.S.O. 1960,
c. 363, s. 23,
amended

- 11.** Section 23 of *The Securities Act* is amended by striking out "an investigation" in the second line and inserting in lieu thereof "such investigation as he deems expedient for the due administration of this Act or", so that the section shall read as follows:

Investigation
under
order of
Attorney
General

23. Notwithstanding section 21, the Attorney General may by order appoint any person to make such investigation as he deems expedient for the due administration of this Act or into any matter relating to a trade in securities, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights and privileges as a person appointed under section 21.

R.S.O. 1960,
c. 363, s. 28,
re-enacted

- 12.** Section 28 of *The Securities Act* is repealed and the following substituted therefor:

Notice of
direction,
decision, etc.

28. A notice of every direction, decision, order or ruling of the director shall be served upon any person or company who in the opinion of the director is affected by the direction, decision, order or ruling at the address of such person or company appearing on the records of the Commission.

13. Section 29 of *The Securities Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 363, s. 29, amended

- (3a) Upon a review, any member of the Commission has and may exercise any of the powers that may be exercised by a person making an investigation under section 21. Power on review

14.—(1) Section 44 of *The Securities Act* is amended by striking out "Commission" in the first line, in the sixth line and in the first and second lines of clause *d* and inserting in lieu thereof in each instance "director". R.S.O. 1960, c. 363, s. 44, amended

(2) The said section 44 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 363, s. 44, amended

- (2) The director shall not refuse to accept any filing under subsection 1 without giving the person or company who submitted the filing an opportunity to be heard. Refusal of filing

15. Section 45 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 45, re-enacted

45. Where the director decides not to accept for filing a prospectus submitted for filing under section 38, 39 or 40, as the case may be, sections 28 to 32 apply to such decision. Review and appeal

16. Subsection 1 of section 46 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 46, subs. 1, re-enacted

- (1) Where it appears to the director, subsequent to the filing of a prospectus or an amended prospectus under section 38, 39 or 40, as the case may be, and the issue of a receipt therefor, that any of the circumstances set out in section 44 exists, the director, after giving the persons and companies that would be entitled to notices under subsection 2 an opportunity to be heard, may order that all trading in the primary distribution to the public of the securities to which the prospectus relates shall cease. Order to cease trading

17. Subsection 1 of section 48 of *The Securities Act* is amended by striking out "Commission" in the ninth line and inserting in lieu thereof "director". R.S.O. 1960, c. 363, s. 48, subs. 1, amended

18. Subsection 3 of section 54 of *The Securities Act* is amended by striking out "Commission" in the third line and inserting in lieu thereof "director". R.S.O. 1960, c. 363, s. 54, subs. 3, amended

R.S.O. 1960,
c. 363, s. 64,
subs. 1, cl. c,
amended **19.** Clause *c* of subsection 1 of section 64 of *The Securities Act* is amended by inserting after "the" in the fourth line "director or the".

R.S.O. 1960,
c. 363, s. 69,
subs. 1,
amended **20.** Subsection 1 of section 69 of *The Securities Act* is amended by striking out "by the Commission" in the second line.

R.S.O. 1960,
c. 363, s. 70,
cl. a,
amended **21.** Clause *a* of section 70 of *The Securities Act* is amended by inserting after "the" in the seventh line "director or the".

R.S.O. 1960,
c. 363, s. 71,
cl. a,
amended **22.—(1)** Clause *a* of section 71 of *The Securities Act* is amended by adding thereto the following subclause:

(ia) the director.

R.S.O. 1960,
c. 363, s. 71,
cl. a,
subcl. v,
amended (2) Subclause *v* of clause *a* of the said section 71 is amended by inserting after "Commission" in the second line "director or".

R.S.O. 1960,
c. 363, s. 73,
amended **23.** Section 73 of *The Securities Act* is amended by inserting after "by" in the eleventh line "the director or".

Commence-
ment **24.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **25.** This Act may be cited as *The Securities Amendment Act, 1962-63*.

An Act to amend
The Securities Act

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

Mr. Cass

BILL 151

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Securities Act

MR. CASS



BILL 151

1962-63

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Securities Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 363, s. 1,
amended

(da) "director" means the director of the Commission appointed under this Act.

2. Subsection 2 of section 2 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 363, s. 2,
subs. 2,
re-enacted

(2) Two members of the Commission constitute a quorum.

3. Sections 3, 4 and 5 of *The Securities Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 363,
ss. 3, 4,
re-enacted;
s. 5,
repealed

3. There shall be a branch of the Department of the Attorney General, to be known as the Securities Branch, which shall consist of the Commission, the director, the registrar and such other officers, clerks, stenographers and employees as are appointed under *The Public Service Act, 1961-62*.

Securities
Branch

1961-62,
c. 121

4. The director may exercise the powers and shall perform the duties vested in or imposed upon him by this Act, and he may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned to him by the Commission, except those mentioned in sections 21 to 27 and 29, and, subject to the direction of the Commission, he shall have control of the administration of the Securities Branch and the staff thereof.

Functions
of director

R.S.O. 1960,
c. 363, s. 6,
subs. 2,
amended

4.—(1) Subsection 2 of section 6 of *The Securities Act* is amended by inserting after “thereof” in the eighth line “who are designated by the director as trading officials”, so that the subsection shall read as follows:

Where
separate
registration
of partners,
officers and
officials not
required

- (2) Where a person or company is registered as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, as the case may be, on behalf of such person or company without separate registration, and, where a company is registered as a security issuer, the officials thereof who are designated by the director as trading officials may act on its behalf in connection with a trade in a security by such company without separate registration.

R.S.O. 1960,
c. 363, s. 6,
subs. 4,
amended

(2) Subsection 4 of the said section 6 is amended by striking out “Commission” in the seventh line and inserting in lieu thereof “director”.

R.S.O. 1960,
c. 363, s. 7,
amended

5.—(1) Section 7 of *The Securities Act* is amended by striking out “Commission” in the first line and in the second and third lines and inserting in lieu thereof in each instance “director”.

R.S.O. 1960,
c. 363, s. 7,
amended

(2) The said section 7 is further amended by adding thereto the following subsection:

Refusal of
registration

- (2) The director shall not refuse to grant or refuse to renew registration without giving the applicant an opportunity to be heard.

R.S.O. 1960,
c. 363, s. 8,
re-enacted

6. Section 8 of *The Securities Act* is repealed and the following substituted therefor:

Suspension,
cancellation

8. The director, after giving the registrant an opportunity to be heard, shall suspend or cancel any registration where in his opinion such action is in the public interest, but, where the granting of an opportunity to be heard would in his opinion be prejudicial to the public interest, he may suspend any registration without giving the registrant an opportunity to be heard, in which case he shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 29.

7. Section 9 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 9, re-enacted

9. A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed. Further application for registration

8. Section 12 of *The Securities Act* is amended by striking out "registrar may and" in the first line and inserting in lieu thereof "director" and by adding at the end thereof "by a person designated by the Commission", so that the section shall read as follows: R.S.O. 1960, c. 363, s. 12, amended

12. The director shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registered person or any partner, officer, director or employee of the registered person or company to submit to examination under oath by a person designated by the Commission. Further information

9.—(1) Subsection 1 of section 14 of *The Securities Act* is amended by striking out "Commission" in the second line and inserting in lieu thereof "director". R.S.O. 1960, c. 363, s. 14, subs. 1, amended

(2) Subsection 2 of the said section 14 is amended by striking out "Commission" in the third line and inserting in lieu thereof "director". R.S.O. 1960, c. 363, s. 14, subs. 2, amended

10.—(1) Section 21 of *The Securities Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 363, s. 21, amended

(1a) The Commission may, with the consent of the Attorney General, by order appoint any person to make such investigation as it deems expedient for the due administration of this Act or into any matter relating to a trade in securities, and in such order shall determine and prescribe the scope of the investigation. Idem

(2) Subsection 2 of the said section 21 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "this section". R.S.O. 1960, c. 363, s. 21, subs. 2, amended

(3) Subsection 3 of the said section 21 is amended by striking out "For the purposes of subsections 1 and 2, the person making the investigation" in the first and second lines R.S.O. 1960, c. 363, s. 21, subs. 3, amended

and inserting in lieu thereof "The person making an investigation under this section", so that the subsection, exclusive of the clauses, shall read as follows:

Power to
summon
witnesses
and require
production

- (3) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,

.

R.S.O. 1960,
c. 363, s. 21,
subs. 3, cl. c,
amended

- (4) Clause *c* of subsection 3 of the said section 21 is amended by inserting after "client" in the fourth line "unless the client consents", so that the clause shall read as follows:

- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client unless the client consents; and

.

R.S.O. 1960,
c. 363, s. 23,
amended

- 11.** Section 23 of *The Securities Act* is amended by striking out "an investigation" in the second line and inserting in lieu thereof "such investigation as he deems expedient for the due administration of this Act or", so that the section shall read as follows:

Investigation
under
order of
Attorney
General

23. Notwithstanding section 21, the Attorney General may by order appoint any person to make such investigation as he deems expedient for the due administration of this Act or into any matter relating to a trade in securities, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights and privileges as a person appointed under section 21.

R.S.O. 1960,
c. 363, s. 28,
re-enacted

- 12.** Section 28 of *The Securities Act* is repealed and the following substituted therefor:

Notice of
direction,
decision, etc.

28. A notice of every direction, decision, order or ruling of the director shall be served upon any person or company who in the opinion of the director is affected by the direction, decision, order or ruling at the address of such person or company appearing on the records of the Commission.

13. Section 29 of *The Securities Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 363, s. 29,
amended

(3a) Upon a review, any member of the Commission has and may exercise any of the powers that may be exercised by a person making an investigation under section 21. Power on
review

14.—(1) Section 44 of *The Securities Act* is amended by striking out "Commission" in the first line, in the sixth line and in the first and second lines of clause *d* and inserting in lieu thereof in each instance "director". R.S.O. 1960,
c. 363, s. 44,
amended

(2) The said section 44 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 363, s. 44,
amended

(2) The director shall not refuse to accept any filing under subsection 1 without giving the person or company who submitted the filing an opportunity to be heard. Refusal of
filing

15. Section 45 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 363, s. 45,
re-enacted

45. Where the director decides not to accept for filing a prospectus submitted for filing under section 38, 39 or 40, as the case may be, sections 28 to 32 apply to such decision. Review and
appeal

16. Subsection 1 of section 46 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 363, s. 46,
subs. 1,
re-enacted

(1) Where it appears to the director, subsequent to the filing of a prospectus or an amended prospectus under section 38, 39 or 40, as the case may be, and the issue of a receipt therefor, that any of the circumstances set out in section 44 exists, the director, after giving the persons and companies that would be entitled to notices under subsection 2 an opportunity to be heard, may order that all trading in the primary distribution to the public of the securities to which the prospectus relates shall cease. Order to
cease
trading

17. Subsection 1 of section 48 of *The Securities Act* is amended by striking out "Commission" in the ninth line and inserting in lieu thereof "director". R.S.O. 1960,
c. 363, s. 48,
subs. 1,
amended

18. Subsection 3 of section 54 of *The Securities Act* is amended by striking out "Commission" in the third line and inserting in lieu thereof "director". R.S.O. 1960,
c. 363, s. 54,
subs. 3,
amended

R.S.O. 1960,
c. 363, s. 64,
s. 65, 1, cl. c,
amended

19. Clause *c* of subsection 1 of section 64 of *The Securities Act* is amended by inserting after "the" in the fourth line "director or the".

fj

R.S.O. 1960,
c. 363, s. 69,
s. 168, 1,
amended

20. Subsection 1 of section 69 of *The Securities Act* is amended by striking out "by the Commission" in the second line.

R.S.O. 1960,
c. 363, s. 70,
cl. a,
amended

21. Clause *a* of section 70 of *The Securities Act* is amended by inserting after "the" in the seventh line "director or the".

R.S.O. 1960,
c. 363, s. 71,
cl. c,
amended

22.—(1) Clause *a* of section 71 of *The Securities Act* is amended by adding thereto the following subclause:

(ia) the director.

R.S.O. 1960,
c. 363, s. 71,
cl. a,
subcl. v,
amended

(2) Subclause *v* of clause *a* of the said section 71 is amended by inserting after "Commission" in the second line "director or".

R.S.O. 1960,
c. 363, s. 73,
amended

23. Section 73 of *The Securities Act* is amended by inserting after "by" in the eleventh line "the director or".

Commence-
ment

24. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

25. This Act may be cited as *The Securities Amendment Act, 1962-63*.



An Act to amend
The Securities Act

1st Reading

April 17th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 152

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Securities Act

MR. CASS

EXPLANATORY NOTE

The object of this Bill is to ensure that the exemption from registration, including prospectus requirements, applicable to short term promissory notes or commercial paper is confined to such notes or commercial paper as are issued and sold in the ordinary short term money market and not by general solicitation to individual members of the public in denominations of less than \$50,000.

BILL 152

1962-63

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Securities Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 363, s. 1,
amended

(da) “individual” means a natural person, but does not include a trustee, partnership, unincorporated association, unincorporated organization, unincorporated syndicate, executor, administrator or other legal personal representative.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 363, s. 1,
cl. *f*,
re-enacted

(f) “investment company” means any company, other than a company recognized by the Commission as a mining company or an industrial company, that the Commission in its discretion recognizes, determines and deems to be an investment company, and includes, without limiting such discretion, a company so recognized, determined and deemed whose principal business is the acquisition of or the investment in the securities of other companies, whether for the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities, and includes a company, other than an issuer, within the meaning of *The Investment Contracts Act*, that issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature. R.S.O. 1960,
c. 194

2.—(1) Paragraph 3 of subsection 1 of section 19 of *The Securities Act* is amended by adding at the end thereof “or any other trade where one of the parties is a person (other than an individual) or a company recognized by the Commission as an exempt purchaser”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 363, s. 19,
subs. 1,
par. 3,
amended

Banks, loan,
trust and
insurance
companies,
public
officers

1953-54,
c. 48 (Can.);
R.S.C. 1952,
c. 151;
R.S.O. 1960,
cc. 222, 190

3. A trade where one of the parties is a bank to which the *Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under the *Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or is an officer or employee, in the performance of his duties as such, of Her Majesty in right of Canada or of any province or territory of Canada, or of any municipal corporation or public board or commission in Canada, or any other trade where one of the parties is a person (other than an individual) or a company recognized by the Commission as an exempt purchaser.

R.S.O. 1960,
c. 363, s. 19,
subs. 2,
par. 1,
re-enacted

(2) Paragraph 1 of subsection 2 of the said section 19 is repealed and the following substituted therefor:

Stock
dividends,
distribution
of earnings,
etc.

1. (i) Securities of its own issue that are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus,
- (ii) securities whether of its own issue or not that are distributed or issued by a company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of such company or distribution of its assets for the purpose of winding up its affairs, or
- (iii) the sale by a company to the holders of its securities of additional securities of its own issue if the company has given the Commission a written notice stating the date, amount, nature and conditions of the proposed sale (including the approximate net proceeds to be derived by the company on the basis of such additional securities being fully taken up and paid for) and either,
 - (a) the Commission has not informed the company in writing within ten days of the giving of such notice that it objects to the sale; or
 - (b) information satisfactory to the Commission relating to the securities has been delivered to and accepted by the Commission,

provided that, with respect to any trade mentioned in subparagraph i or ii, no commission or other remuneration is paid or given to others in respect of such distribution or issuance except for ministerial or professional services or for services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* reorganization of the company.

(3) Paragraph 6 of subsection 2 of the said section 19 is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 19, subs. 2, par. 6, re-enacted

6. Negotiable promissory notes or commercial paper maturing not more than one year from the date of issue, provided that each such note or commercial paper traded to an individual has a denomination or principal amount of not less than \$50,000. Negotiable paper

(4) Subsection 3 of the said section 19 is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 19, subs. 3, re-enacted

(3) Notwithstanding subsections 1 and 2, the Commission may, where in its opinion such action is in the public interest, Exemptions

(a) order that subsection 1 shall not, with respect to such of the trades mentioned in that subsection as are specified in the order, apply to the person or company named in the order;

(b) order that subsection 2 shall not, with respect to such of the securities mentioned in that subsection as are specified in the order, apply to the person or company named in the order.

3. Section 72 of *The Securities Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 363, s. 72, amended

(na) prescribing the practice and procedure by which the Commission recognizes exempt purchasers under paragraph 3 of subsection 1 of section 19.

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

5. This Act may be cited as *The Securities Amendment Act, 1962-63 (No. 2)*. Short title



An Act to amend The Securities Act

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 152

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Securities Act

MR. CASS



An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Securities Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 363, s. 1,
amended

(da) “individual” means a natural person, but does not include a trustee, partnership, unincorporated association, unincorporated organization, unincorporated syndicate, executor, administrator or other legal personal representative.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 363, s. 1,
cl. *f*,
re-enacted

(f) “investment company” means any company, other than a company recognized by the Commission as a mining company or an industrial company, that the Commission in its discretion recognizes, determines and deems to be an investment company, and includes, without limiting such discretion, a company so recognized, determined and deemed whose principal business is the acquisition of or the investment in the securities of other companies, whether for the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities, and includes a company, other than an issuer, within the meaning of *The Investment Contracts Act*, that issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature.

2.—(1) Paragraph 3 of subsection 1 of section 19 of *The Securities Act* is amended by adding at the end thereof “or any other trade where one of the parties is a person (other than an individual) or a company recognized by the Commission as an exempt purchaser”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 363, s. 19,
subs. 1,
par. 3,
amended

Banks, loan,
trust and
insurance
companies,
public
officers
1953-54,
c. 48 (Can.);
R.S.C. 1952,
c. 151;
R.S.O. 1960,
cc. 222, 190

3. A trade where one of the parties is a bank to which the *Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under the *Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or is an officer or employee, in the performance of his duties as such, of Her Majesty in right of Canada or of any province or territory of Canada, or of any municipal corporation or public board or commission in Canada, or any other trade where one of the parties is a person (other than an individual) or a company recognized by the Commission as an exempt purchaser.

R.S.O. 1960,
c. 363, s. 19,
subs. 2,
par. 1,
re-enacted

(2) Paragraph 1 of subsection 2 of the said section 19 is repealed and the following substituted therefor:

Stock
dividends,
distribution
of earnings,
etc.

1. (i) Securities of its own issue that are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus,
- (ii) securities whether of its own issue or not that are distributed or issued by a company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of such company or distribution of its assets for the purpose of winding up its affairs, or
- (iii) the sale by a company to the holders of its securities of additional securities of its own issue if the company has given the Commission a written notice stating the date, amount, nature and conditions of the proposed sale (including the approximate net proceeds to be derived by the company on the basis of such additional securities being fully taken up and paid for) and either,
 - (a) the Commission has not informed the company in writing within ten days of the giving of such notice that it objects to the sale; or
 - (b) information satisfactory to the Commission relating to the securities has been delivered to and accepted by the Commission,

provided that, with respect to any trade mentioned in subparagraph i or ii, no commission or other remuneration is paid or given to others in respect of such distribution or issuance except for ministerial or professional services or for services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company.

(3) Paragraph 6 of subsection 2 of the said section 19 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 363, s. 19,
subs. 2,
par. 6,
re-enacted

6. Negotiable promissory notes or commercial paper maturing not more than one year from the date of issue provided that each such note or commercial paper traded to an individual has a denomination or principal amount of not less than \$50,000.

Negotiable
paper

(4) Subsection 3 of the said section 19 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 363, s. 19,
subs. 3,
re-enacted

(3) Notwithstanding subsections 1 and 2, the Commission may, where in its opinion such action is in the public interest,

Exemptions

(a) order that subsection 1 shall not, with respect to such of the trades mentioned in that subsection as are specified in the order, apply to the person or company named in the order;

(b) order that subsection 2 shall not, with respect to such of the securities mentioned in that subsection as are specified in the order, apply to the person or company named in the order.

3. Section 72 of *The Securities Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 363, s. 72,
amended

(na) prescribing the practice and procedure by which the Commission recognizes exempt purchasers under paragraph 3 of subsection 1 of section 19.

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

5. This Act may be cited as *The Securities Amendment Act, 1962-63 (No. 2)*.

Short title

An Act to amend The Securities Act

1st Reading

April 17th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 153

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act regulating Deposits Solicited from the Public

MR. CASS

EXPLANATORY NOTE

The objects of this Bill are to regulate the issue of advertisements inviting the public to invest money by way of deposits and to ensure that persons or corporations accepting or receiving deposits from the public shall set aside security for such deposits.

BILL 153

1962-63

An Act regulating Deposits Solicited from the Public

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "advertisement" includes any form of advertising in any media or any act, conduct, communication or negotiation or any display, writing or statement made, done, issued or published to members of the public or in a public place;
- (b) "Commission" means the Ontario Securities Commission;
- (c) "corporation" means any incorporated corporation, incorporated association, incorporated syndicate or other incorporated organization, including corporations that do not deal with each other at arm's length or that would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*; R.S.O. 1960,
c. 73
- (d) "deposit" means a loan of money at interest or at a discount or repayable at a premium in money or otherwise made to any person or corporation one of whose principal businesses is lending money, dealing in mortgages or real or personal property or purchasing accounts receivable, but does not include a loan of money to any corporation in connection with the issue and sale of its bonds, debentures, notes or other written evidences of indebtedness;
- (e) "members of the public" means any section or segment of the public without regard to the numbers thereof;

(f) "person" means an individual, partnership, unincorporated association, unincorporated organization and a syndicate other than an incorporated syndicate, including persons who are related persons or who would be deemed to be related persons under section 1 of *The Corporations Tax Act*;

R.S.O. 1960,
c. 73

(g) "regulations" means the regulations made under this Act;

(h) "short term securities" means bonds, debentures or other evidences of indebtedness maturing within 180 days from the date of acquisition thereof and authorized for purchase or investment by registered loan corporations or registered loaning land corporations under subsection 1 of section 137 of *The Loan and Trust Corporations Act*; and

R.S.O. 1960,
c. 222

(i) "solicitation of deposits" means any advertisement calculated directly or indirectly to lead to or induce the deposit of money or the investment of money on deposit by members of the public, and any reference to soliciting deposits shall be construed accordingly.

Application
of Act

2. This Act does not apply to,

1953-54,
c. 48 (Can.)

(a) any bank to which the *Bank Act* (Canada) applies;

R.S.O. 1960,
c. 222

(b) any corporation to which *The Loan and Trust Corporations Act* applies;

R.S.O. 1960,
c. 79

(c) any credit union to which *The Credit Unions Act* applies;

R.S.O. 1960,
c. 194

(d) any issuer within the meaning of *The Investment Contracts Act*;

R.S.O. 1960,
c. 71

(e) any corporation to which Part V of *The Corporations Act* applies;

R.S.C. 1952,
c. 212

(f) any post office savings bank established under the *Post Office Act* (Canada);

R.S.O. 1960,
c. 9

(g) the Province of Ontario Savings Office constituted under *The Agricultural Development Finance Act*;

R.S.O. 1960,
c. 190

(h) any insurer to which *The Insurance Act* applies;

R.S.O. 1960,
c. 244

(i) any mortgage broker registered under *The Mortgage Brokers Registration Act*; or

(j) any person or corporation or any class of persons or corporations that is exempted by the regulations.

3. No person or corporation shall solicit deposits in any manner that is false, misleading, deceptive or likely to create an erroneous impression. ^{Improper solicitation of deposits}

4.—(1) No advertisement soliciting deposits shall be made, done, issued or published in any manner whatsoever without such advertisement first having been submitted to the Commission for its review and certification as complying with the provisions of this Act and the regulations, and no such advertisement shall be made, done, issued or published without such certification. ^{Advertisements for deposits}

(2) Any person or corporation who or which, in the ordinary course of business, makes, issues or publishes an advertisement soliciting deposits on the order or direction of another person or corporation, being an advertisement the making, issue or publication of which by such other person or corporation constitutes an offence under this Act, is not guilty of such offence if the matter or material contained in such advertisement was not devised or selected by such person or corporation or under his or its direction or control. ^{Exemption for publishers}

5.—(1) Every person or corporation accepting or receiving deposits from members of the public shall set aside and segregate and hold separate from the other assets of any such person or corporation as security for such deposits cash on hand or deposited in any bank to which the *Bank Act* (Canada) applies or short term securities in an amount or principal amount aggregating not less than 60 per cent of the aggregate amount of such deposits. ^{Security for deposits} ^{1953-54, c. 48 (Can.)}

(2) Every person or corporation accepting or receiving deposits from members of the public shall keep records of such deposits and the particulars of the security therefor in the form and content prescribed by the Commission. ^{Records}

(3) Every person or corporation accepting or receiving deposits from members of the public shall furnish to the Commission a return in the prescribed form on or before the first days of January, April, July and October in each year containing information as to the particulars of the security for such deposits certified by the auditor or accountant of such person or corporation. ^{Returns}

(4) Any duly authorized representative of the Commission appointed by order of the Commission may at any reasonable time inspect the books, accounts, documents and other ^{Inspection}

records kept by any person or corporation receiving or accepting deposits from members of the public and may require any officer, director or employee of any such person or corporation to furnish such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

Powers
upon
inspection

(5) For the purposes of subsection 4, any such representative of the Commission has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things and to seize and take possession of any documents, records, securities or other property as is provided in subsections 3 and 4 of section 21 of *The Securities Act*.

R.S.O. 1960,
c. 363

Fees

6. Any advertisement submitted to the Commission for review and certification and every return, record or other information required to be filed with the Commission shall be accompanied by the fee prescribed by the regulations.

Offences,
persons

7.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both.

Idem,
corporations

(2) Every corporation that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

Idem,
officers,
etc., of
corporations

(3) Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the fine or imprisonment or to both provided in subsection 1 whether or not the corporation has been prosecuted or convicted.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) exempting persons or corporations or any class thereof from the application of this Act;
- (b) prescribing the requirements with respect to the submission to the Commission, for its review and certification, of advertisements that solicit deposits;
- (c) prescribing the form and content of records of deposits and particulars of the security therefor;

- (d) prescribing the return to be furnished to the Commission by persons or corporations receiving or accepting deposits containing information as to the particulars of security therefor;
- (e) prescribing and providing for fees under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}_{ment}

10. This Act may be cited as *The Deposits Regulation Act*, Short title 1962-63.

An Act regulating Deposits
Solicited from the Public

1st Reading

April 17th, 1963

2nd Reading

3rd Reading

Mr. Cass

BILL 153

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act regulating Deposits Solicited from the Public

MR. CASS



BILL 153

1962-63

An Act regulating Deposits Solicited from the Public

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "advertisement" includes any form of advertising in any media or any act, conduct, communication or negotiation or any display, writing or statement made, done, issued or published to members of the public or in a public place;
- (b) "Commission" means the Ontario Securities Commission;
- (c) "corporation" means any incorporated corporation, incorporated association, incorporated syndicate or other incorporated organization, including corporations that do not deal with each other at arm's length or that would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*; R.S.O. 1960,
c. 73
- (d) "deposit" means a loan of money at interest or at a discount or repayable at a premium in money or otherwise made to any person or corporation one of whose principal businesses is lending money, dealing in mortgages of real or personal property or purchasing accounts receivable, but does not include a loan of money to any corporation in connection with the issue and sale of its bonds, debentures, notes or other written evidences of indebtedness;
- (e) "members of the public" means any section or segment of the public without regard to the numbers thereof;

(f) "person" means an individual, partnership, unincorporated association, unincorporated organization and a syndicate other than an incorporated syndicate, including persons who are related persons or who would be deemed to be related persons under section 1 of *The Corporations Tax Act*;

R.S.O. 1960,
c. 73

(g) "regulations" means the regulations made under this Act;

(h) "short term securities" means bonds, debentures or other evidences of indebtedness maturing within 180 days from the date of acquisition thereof and authorized for purchase or investment by registered loan corporations or registered loaning land corporations under subsection 1 of section 137 of *The Loan and Trust Corporations Act*; and

R.S.O. 1960,
c. 222

(i) "solicitation of deposits" means any advertisement calculated directly or indirectly to lead to or induce the deposit of money or the investment of money on deposit by members of the public, and any reference to soliciting deposits shall be construed accordingly.

Application
of Act

2. This Act does not apply to,

1953-54,
c. 48 (Can.)

(a) any bank to which the *Bank Act* (Canada) applies;

R.S.O. 1960,
c. 222

(b) any corporation to which *The Loan and Trust Corporations Act* applies;

R.S.O. 1960,
c. 79

(c) any credit union to which *The Credit Unions Act* applies;

R.S.O. 1960,
c. 194

(d) any issuer within the meaning of *The Investment Contracts Act*;

R.S.O. 1960,
c. 71

(e) any corporation to which Part V of *The Corporations Act* applies;

R.S.C. 1952,
c. 212

(f) any post office savings bank established under the *Post Office Act* (Canada);

R.S.O. 1960,
c. 9

(g) the Province of Ontario Savings Office constituted under *The Agricultural Development Finance Act*;

R.S.O. 1960,
c. 190

(h) any insurer to which *The Insurance Act* applies;

R.S.O. 1960,
c. 244

(i) any mortgage broker registered under *The Mortgage Brokers Registration Act*; or

- (j) any person or corporation or any class of persons or corporations that is exempted by the regulations.

3. No person or corporation shall solicit deposits in any manner that is false, misleading, deceptive or likely to create an erroneous impression. ^{Improper solicitation of deposits}

4.—(1) No advertisement soliciting deposits shall be made, done, issued or published in any manner whatsoever without such advertisement first having been submitted to the Commission for its review and certification as complying with the provisions of this Act and the regulations, and no such advertisement shall be made, done, issued or published without such certification. ^{Advertisements for deposits}

(2) Any person or corporation who or which, in the ordinary course of business, makes, issues or publishes an advertisement soliciting deposits on the order or direction of another person or corporation, being an advertisement the making, issue or publication of which by such other person or corporation constitutes an offence under this Act, is not guilty of such offence if the matter or material contained in such advertisement was not devised or selected by such person or corporation or under his or its direction or control. ^{Exemption for publishers}

5.—(1) Every person or corporation accepting or receiving deposits from members of the public shall set aside and segregate and hold separate from the other assets of any such person or corporation as security for such deposits cash on hand or deposited in any bank to which the *Bank Act* (Canada) applies or short term securities in an amount or principal amount aggregating not less than 60 per cent of the aggregate amount of such deposits. ^{Security for deposits} ^{1953-54, c. 48. (Can.)}

(2) Every person or corporation accepting or receiving deposits from members of the public shall keep records of such deposits and the particulars of the security therefor in the form and content prescribed by the Commission. ^{Records}

(3) Every person or corporation accepting or receiving deposits from members of the public shall furnish to the Commission a return in the prescribed form on or before the first days of January, April, July and October in each year containing information as to the particulars of the security for such deposits certified by the auditor or accountant of such person or corporation. ^{Returns}

(4) Any duly authorized representative of the Commission appointed by order of the Commission may at any reasonable time inspect the books, accounts, documents and other ^{Inspection}

records kept by any person or corporation receiving or accepting deposits from members of the public and may require any officer, director or employee of any such person or corporation to furnish such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

Powers
upon
inspection

(5) For the purposes of subsection 4, any such representative of the Commission has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things and to seize and take possession of any documents, records, securities or other property as is provided in subsections 3 and 4 of section 21 of *The Securities Act*.

R.S.O. 1960,
c. 363

Fees

6. Any advertisement submitted to the Commission for review and certification and every return, record or other information required to be filed with the Commission shall be accompanied by the fee prescribed by the regulations.

Offences,
persons

7.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both.

Idem,
corporations

(2) Every corporation that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

Idem,
officers,
etc., of
corporations

(3) Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the fine or imprisonment or to both provided in subsection 1 whether or not the corporation has been prosecuted or convicted.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) exempting persons or corporations or any class thereof from the application of this Act;
- (b) prescribing the requirements with respect to the submission to the Commission, for its review and certification, of advertisements that solicit deposits;
- (c) prescribing the form and content of records of deposits and particulars of the security therefor;

- (d) prescribing the return to be furnished to the Commission by persons or corporations receiving or accepting deposits containing information as to the particulars of security therefor;
- (e) prescribing and providing for fees under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

10. This Act may be cited as *The Deposits Regulation Act*, Short title 1962-63.

An Act regulating Deposits
Solicited from the Public

1st Reading

April 17th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. CASS

BILL 154

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

EXPLANATORY NOTE

The amendment is to abrogate the decision in *Holmes Foundry Ltd. vs. The Corporation of the Village of Point Edward and Caposite Insulations Ltd. vs. The Corporation of the Village of Point Edward* (1963). It was held that, notwithstanding that the municipality had received the approval of the Municipal Board under section 64 to the sewer project, it also required the approval of the Board to the by-law providing for the raising of funds to pay for the project.

The amendment provides that the approval of the Board under section 64 is the approval of the undertaking. The municipality may then proceed to pass all requisite by-laws, including those for the raising of funds, without further approval of the Board.

BILL 154

1962-63

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 64 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 274, s. 64,
amended

(1a) The approval of the Board mentioned in subsection 1 Approval
of Board means and, notwithstanding the decision of any court, shall be deemed always to have meant the approval of the undertaking, work, project, scheme, act, matter or thing mentioned in subsection 1.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1962-63 (No. 2)*. Short title

An Act to amend
The Ontario Municipal Board Act

1st Reading

April 18th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 154

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Ontario Municipal Board Act

MR. SPOONER



BILL 154

1962-63

**An Act to amend
The Ontario Municipal Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 64 of *The Ontario Municipal Board Act* is <sup>R.S.O. 1960,
c. 274, s. 64,
amended</sup> amended by adding thereto the following subsection:

(1a) The approval of the Board mentioned in subsection 1 <sup>Approval
of Board</sup> means and, notwithstanding the decision of any court, shall be deemed always to have meant the approval of the undertaking, work, project, scheme, act, matter or thing mentioned in subsection 1.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Ontario Municipal Board* ^{Short title} *Amendment Act, 1962-63 (No. 2)*.

An Act to amend
The Ontario Municipal Board Act

1st Reading

April 18th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. SPOONER

BILL 155

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. The amendments are to make it clear that the first meeting of council referred to in section 6 means the first meeting after general municipal elections are held every two years.

SECTION 2. The maximum amount that may be paid to the chairman is increased from \$15,000 to \$18,000, and the maximum amount that may be paid to members is increased from \$1,800 to \$3,000.

BILL 155

1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “year” in the second line “after elections have been held in the area municipalities”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 6,
subs. 1,
amended

- (1) The first meeting of the Metropolitan Council in each year after elections have been held in the area municipalities shall be held after the councils of all the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First
meeting of
Metropolitan
Council

(2) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 6,
subs. 2,
re-enacted

- (2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality in each year after elections have been held in the area municipalities shall be held not later than the 8th day of January.

First
meeting
of area
councils

2.—(1) Subsection 1 of section 11 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 11,
subs. 1,
re-enacted

- (1) The chairman may be paid for his services as chairman a sum not exceeding \$18,000 per annum.

Remunera-
tion,
chairman

(2) Subsection 2 of the said section 11 is amended by striking out “\$1,800” in the third line and inserting in lieu thereof “\$3,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 11,
subs. 2,
amended

members

- (2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration, not exceeding \$3,000 per annum, as the Metropolitan Council may determine.

R.S.O. 1960,
c. 260, s. 24,
subs. 2, cl. b,
re-enacted;
cl. c,
repealed

3. Clauses *b* and *c* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

Two-thirds
vote
required, and
approval of
Minister

- (b) No by-law establishing a pension plan or a by-law amending such a by-law shall be passed by the Metropolitan Council under this subsection except on an affirmative vote of at least two-thirds of the Metropolitan Council present and voting thereon, and no such by-law shall become operative until approved by the Minister.

R.S.O. 1960,
c. 260, s. 77,
amended

4. Section 77 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Supple-
mentary
by-law

- (1a) The Metropolitan Corporation may, at any time within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on metropolitan roads supplementing the by-law submitted under subsection 1.

R.S.O. 1960,
c. 260, s. 80,
cls. d, e, g,
re-enacted

5. Clauses *d*, *e* and *g* of section 80 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 333

- (d) defraying the costs in taking up, removing or changing the location of appliances or works placed on or under a metropolitan road by an operating corporation in accordance with *The Public Service Works on Highways Act*;

- (e) constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a metropolitan road;

.

- (g) constructing and maintaining an approved base for the road surface on a metropolitan road, including the installing and maintaining of approved drainage.

R.S.O. 1960,
c. 260, s. 110,
subs. 4,
amended

6.—(1) Subsection 4 of section 110 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to subsection 4a", so that the subsection shall read as follows:

SECTION 3. The amendment is to make it clear that the requirements of a two-thirds vote and the approval of the Minister apply only to pension by-laws passed by the Metropolitan Council.

SECTION 4. The new subsection authorizes the Metropolitan Corporation to submit to the Minister of Highways a supplementary by-law covering the estimated expenditures on metropolitan roads.

SECTION 5. Section 80 provides the expenditures that are properly chargeable to road improvement.

At present, under clause *d*, only 50 per cent of the labour costs in relocating works is chargeable. Clause *d*, as re-enacted, includes the whole cost of relocating works, etc.

Clauses *e* and *g*, as re-enacted, will include expenditures for storm sewers incidental to the construction of metropolitan roads.

SECTION 6. Self-explanatory.

SECTION 7. Self-explanatory.

SECTION 8. The Metropolitan Corporation will be required to pay to the area municipalities 20 per cent of the amounts paid by the area municipalities for general assistance in respect of which provincial grants of 80 per cent are received.

SECTION 9. Self-explanatory.

SECTION 10. At present, the Licensing Commission is composed of the chairman of the Metropolitan Council and two magistrates designated by the Lieutenant Governor in Council. The amendment would substitute for the two magistrates two persons appointed by the Metropolitan Council.

- (4) Subject to subsection 4a, a member shall hold office until his successor is appointed and, except in the case of the first members or the filling of a vacancy occurring during a term of office, a member shall be appointed for a term of five years. General

(2) The said section 110 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 110,
amended

- (4a) The Metropolitan Council may provide that the Commission shall consist of not less than three members and may provide for their terms of office on a staggered system or otherwise, and may designate the terms of office of the existing members of the Commission. Change in
constitution
authorized

7. Section 116a of *The Municipality of Metropolitan Toronto Act*, as enacted by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260,
s. 116a
(1961-62,
c. 88, s. 10),
amended

- (2) The Metropolitan Corporation may contribute to the cost of operating the transportation system operated by the Commission. to operating
costs

8. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

- 169a. The amounts that an area municipality are required to pay to provide assistance under *The General Welfare Assistance Act* and that are included for the purpose of computing the contribution by Ontario in respect of such assistance shall be repaid by the Metropolitan Corporation to the area municipality less any amount paid by Ontario in respect of such assistance. General
welfare
assistance
R.S.O. 1960,
c. 164

9. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

- 172a. The Metropolitan Corporation may assume and pay 50 per cent of the annual operating deficit of Regent Park South Nursery School for the year 1963 and subsequent years. Regent Park
South
Nursery
School
operating
deficits

10.—(1) Clause b of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 210,
subs. 1, cl. b,
re-enacted

- (b) two persons appointed by the Metropolitan Council who are not members of the council of an area municipality.

Present
members

(2) The present members of the Licensing Commission designated under clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* shall remain in office until they or their successors are appointed under the said clause *b* as re-enacted by subsection 1.

R.S.O. 1960,
c. 260, s. 255,
subs. 3,
re-enacted

11.—(1) Subsection 3 of section 255 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 2 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Erection of
towns, etc.

(3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, subsections 1 to 6 and 9 of section 11 of *The Municipal Act*.

R.S.O. 1960,
c. 249

Annexations
and amal-
gamations

(3a) Section 14 of *The Municipal Act* does not apply to any area municipality.

R.S.O. 1960,
c. 260, s. 255,
subs. 8a
(1961-62,
c. 88, s. 17,
subs. 3),
cl. c,
re-enacted

(2) Clause *c* of subsection 8a of the said section 255, as enacted by subsection 3 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

(c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments or utilities throughout the Metropolitan Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*.

R.S.C. 1952,
c. 288
1962-63,
c. ...

R.S.O. 1960,
c. 260, s. 260,
re-enacted

12. Section 260 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Payment of
damages to
employees

R.S.O. 1960,
c. 437

260. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose.

Commence-
ment

13.—(1) This Act, except sections 2 and 8, subsection 1 of section 11 and section 12, comes into force on the day it receives Royal Assent.

SECTION 11—Subsection 1. The new subsection 3*a* provides that section 14 of *The Municipal Act* dealing with annexations and amalgamations does not apply to the area municipalities.

Subsection 2. The amendment adopts the procedure under *The Emergency Measures Act, 1962-63* for declaring an emergency for the purpose of invoking emergency measures in the municipality.

SECTION 12. Self-explanatory.



(2) Section 12 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1957.

(3) Subsection 1 of section 11 shall be deemed to have ^{Idem} come into force on the 1st day of December, 1961.

(4) Section 2 shall be deemed to have come into force on the ^{Idem} 1st day of January, 1963.

(5) Section 8 comes into force on the 1st day of January, ^{Idem} 1964.

14. This Act may be cited as *The Municipality of Metro-* ^{Short title}
politan Toronto Amendment Act, 1962-63.

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

April 18th, 1963

2nd Reading

3rd Reading

MR. SPOONER

BILL 155

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

MR. SPOONER

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendments are to make it clear that the first meeting of council referred to in section 6 means the first meeting after general municipal elections are held every two years.

SECTION 2. The maximum amount that may be paid to the chairman is increased from \$15,000 to \$18,000, and the maximum amount that may be paid to members is increased from \$1,800 to \$3,000.

BILL 155

1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “year” in the second line “after elections have been held in the area municipalities”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 6,
subs. 1,
amended

- (1) The first meeting of the Metropolitan Council in each year after elections have been held in the area municipalities shall be held after the councils of all the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First
meeting of
Metropolitan
Council

(2) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 6,
subs. 2,
re-enacted

- (2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality in each year after elections have been held in the area municipalities shall be held not later than the 8th day of January.

First
meeting
of area
councils

2.—(1) Subsection 1 of section 11 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 11,
subs. 1,
re-enacted

- (1) The chairman may be paid for his services as chairman a sum not exceeding \$18,000 per annum.

Remuneration,
chairman

(2) Subsection 2 of the said section 11 is amended by striking out “\$1,800” in the third line and inserting in lieu thereof “\$3,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 11,
subs. 2,
amended

members

- (2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration, not exceeding \$3,000 per annum, as the Metropolitan Council may determine.

R.S.O. 1960,
c. 260, s. 24,
subs. 2, cl. b,
re-enacted;
cl. c,
repealed

3. Clauses *b* and *c* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

Two-thirds
vote
required, and
approval of
Minister

- (b) No by-law establishing a pension plan or a by-law amending such a by-law shall be passed by the Metropolitan Council under this subsection except on an affirmative vote of at least two-thirds of the Metropolitan Council present and voting thereon, and no such by-law shall become operative until approved by the Minister.

R.S.O. 1960,
c. 260, s. 77,
amended

4. Section 77 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Supple-
mentary
by-law

- (1a) The Metropolitan Corporation may, at any time within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on metropolitan roads supplementing the by-law submitted under subsection 1.

R.S.O. 1960,
c. 260, s. 78,
amended

5. Section 78 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Advance
payments

- (3) Subject to section 77, the Minister may, in his discretion, direct payment to the Metropolitan Corporation under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

R.S.O. 1960,
c. 260, s. 80,
cls. e, g,
re-enacted

6. Clauses *e* and *g* of section 80 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

- (e) constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a metropolitan road;

SECTION 3. The amendment is to make it clear that the requirements of a two-thirds vote and the approval of the Minister apply only to pension by-laws passed by the Metropolitan Council.

SECTION 4. The new subsection authorizes the Metropolitan Corporation to submit to the Minister of Highways a supplementary by-law covering the estimated expenditures on metropolitan roads.

SECTION 5. The amendment will permit the Minister of Highways to assist the Metropolitan Corporation in the financing of road expenditures by making advance payments on the current year's subsidy for estimated road expenditures.

SECTION 6. Section 80 prescribes the expenditures that are properly chargeable to road improvement.

Clauses *e* and *g*, as re-enacted, will include expenditures for storm sewers incidental to the construction of metropolitan roads.

SECTION 7. Self-explanatory.

SECTION 8. Self-explanatory.

SECTION 9. The Metropolitan Corporation will be required to pay to the area municipalities 20 per cent of the amounts paid by the area municipalities for general assistance in respect of which provincial grants of 80 per cent are received.

SECTION 10. Self-explanatory.

- (g) constructing and maintaining an approved base for the road surface on a metropolitan road, including the installing and maintaining of approved drainage.

7.—(1) Subsection 4 of section 110 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to subsection 4a" and by striking out "five" in the fourth line and inserting in lieu thereof "three", so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 110,
subs. 4,
amended

- (4) Subject to subsection 4a, a member shall hold office until his successor is appointed and, except in the case of the first members or the filling of a vacancy occurring during a term of office, a member shall be appointed for a term of three years.

General

(2) The said section 110 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 260, s. 110,
amended

- (4a) The Metropolitan Council may provide that the Commission shall consist of not less than three members and may provide for their terms of office on a staggered system or otherwise.

Change in
constitution
authorized

- (4b) If the Metropolitan Council provides that the Commission shall consist of less than five members, it may, for such purpose, designate the terms of office of the then existing members of the Commission.

Where Com-
mission
reduced to
less than
5 members

8. Section 116a of *The Municipality of Metropolitan Toronto Act*, as enacted by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 260,
s. 116a
(1961-62,
c. 88, s. 10),
amended

- (2) The Metropolitan Corporation may contribute to the cost of operating the transportation system operated by the Commission.

to operating
costs

9. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 260,
amended

- 169a. The amounts that an area municipality are required to pay to provide assistance under *The General Welfare Assistance Act* and that are included for the purpose of computing the contribution by Ontario in respect of such assistance shall be repaid by the Metropolitan Corporation to the area municipality less any amount paid by Ontario in respect of such assistance.

General
welfare
assistance
R.S.O. 1960,
c. 164

10. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 260,
amended

Regent Park
South
Nursery
School
operating
deficits

172a. The Metropolitan Corporation may assume and pay 50 per cent of the annual operating deficit of Regent Park South Nursery School for the year 1963 and subsequent years.

R.S.O. 1960,
c. 260, s. 210,
subs. 1, cl. b,
re-enacted

11.—(1) Clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

(b) two persons appointed by the Metropolitan Council who are not members of the council of an area municipality.

Present
members

(2) The present members of the Licensing Commission designated under clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* shall remain in office until they or their successors are appointed under the said clause *b* as re-enacted by subsection 1.

R.S.O. 1960,
c. 260, s. 220,
subs. 1,
amended

12. Subsection 1 of section 220 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "19" in the second line "21", so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 296,
to
Metropolitan
Corporation

(1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21, 23 to 25, 28, 33 and 34 of *The Planning Act*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.

R.S.O. 1960,
c. 260, s. 255,
subs. 3,
re-enacted

13.—(1) Subsection 3 of section 255 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 2 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Erection of
towns, etc.

(3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, subsections 1 to 6 and 9 of section 11 of *The Municipal Act*.

R.S.O. 1960,
c. 249

Annexations
and amal-
gamations

(3a) Section 14 of *The Municipal Act* does not apply to any area municipality.

R.S.O. 1960,
c. 260, s. 255,
subs. 8a
(1961-62,
c. 88, s. 17,
subs. 3),
cl. c,
re-enacted

(2) Clause *c* of subsection 8a of the said section 255, as enacted by subsection 3 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

SECTION 11. At present, the Licensing Commission is composed of the chairman of the Metropolitan Council and two magistrates designated by the Lieutenant Governor in Council. The amendment would substitute for the two magistrates two persons appointed by the Metropolitan Council.

SECTION 12. The amendment authorizes the Metropolitan Corporation, with the approval of the Minister, to enter into agreements with any governmental authority for the carrying out of studies relating to the physical condition of the Metropolitan Area or any part thereof.

SECTION 13—Subsection 1. The new subsection 3a provides that section 14 of *The Municipal Act* dealing with annexations and amalgamations does not apply to the area municipalities.

Subsection 2. The amendment adopts the procedure under *The Emergency Measures Act, 1962-63* for declaring an emergency for the purpose of invoking emergency measures in the municipality.

SECTION 14. Self-explanatory.

- (c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments or utilities throughout the Metropolitan Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*. R.S.C. 1952,
c. 288
1962-63,
c. ...

14. Section 260 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 260,
re-enacted

260. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose. Payment of
damages to
employees
R.S.O. 1960,
c. 437

15.—(1) This Act, except sections 2 and 9, subsection 1 of section 13 and section 14, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 14 shall be deemed to have come into force on the 1st day of January, 1957. Idem

(3) Subsection 1 of section 13 shall be deemed to have come into force on the 1st day of December, 1961. Idem

(4) Section 2 shall be deemed to have come into force on the 1st day of January, 1963. Idem

(5) Section 9 comes into force on the 1st day of January, 1964. Idem

16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*. Short title

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

April 18th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

MR. SPOONER

*(Reprinted for consideration by the
Committee of the Whole House)*

BILL 155

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendments are to make it clear that the first meeting of council referred to in section 6 means the first meeting after general municipal elections are held every two years.

SECTION 2. The maximum amount that may be paid to the chairman is increased from \$15,000 to \$18,000, and the maximum amount that may be paid to members is increased from \$1,800 to \$3,000.

BILL 155

1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “year” in the second line “after elections have been held in the area municipalities”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 6,
subs. 1,
amended

- (1) The first meeting of the Metropolitan Council in each year after elections have been held in the area municipalities shall be held after the councils of all the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First
meeting of
Metropolitan
Council

(2) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 6,
subs. 2,
re-enacted

- (2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality in each year after elections have been held in the area municipalities shall be held not later than the 8th day of January.

First
meeting
of area
councils

2.—(1) Subsection 1 of section 11 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 11,
subs. 1,
re-enacted

- (1) The chairman may be paid for his services as chairman a sum not exceeding \$18,000 per annum.

Remunera-
tion,
chairman

(2) Subsection 2 of the said section 11 is amended by striking out “\$1,800” in the third line and inserting in lieu thereof “\$3,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 11,
subs. 2,
amended

members

- (2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration, not exceeding \$3,000 per annum, as the Metropolitan Council may determine.

R.S.O. 1960,
o. 260, s. 24,
subs. 2, cl. b,
re-enacted;
cl. c,
repealed

3. Clauses *b* and *c* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

Two-thirds
vote
required, and
approval of
Minister

- (b) No by-law establishing a pension plan or a by-law amending such a by-law shall be passed by the Metropolitan Council under this subsection except on an affirmative vote of at least two-thirds of the Metropolitan Council present and voting thereon, and no such by-law shall become operative until approved by the Minister.

R.S.O. 1960,
c. 260, s. 77,
amended

4. Section 77 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Supple-
mentary
by-law

- (1a) The Metropolitan Corporation may, at any time within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on metropolitan roads supplementing the by-law submitted under subsection 1.

R.S.O. 1960,
c. 260, s. 78,
amended

5. Section 78 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Advance
payments

- (3) Subject to section 77, the Minister may, in his discretion, direct payment to the Metropolitan Corporation under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

R.S.O. 1960,
c. 260, s. 80,
cls. e, g,
re-enacted

6. Clauses *e* and *g* of section 80 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

- (e) constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a metropolitan road;

.

SECTION 3. The amendment is to make it clear that the requirements of a two-thirds vote and the approval of the Minister apply only to pension by-laws passed by the Metropolitan Council.

SECTION 4. The new subsection authorizes the Metropolitan Corporation to submit to the Minister of Highways a supplementary by-law covering the estimated expenditures on metropolitan roads.

SECTION 5. The amendment will permit the Minister of Highways to assist the Metropolitan Corporation in the financing of road expenditures by making advance payments on the current year's subsidy for estimated road expenditures.

SECTION 6. Section 80 prescribes the expenditures that are properly chargeable to road improvement.

Clauses *e* and *g*, as re-enacted, will include expenditures for storm sewers incidental to the construction of metropolitan roads.

SECTION 7. Self-explanatory.

SECTION 8. Self-explanatory.

SECTION 9. The Metropolitan Corporation will be required to pay to the area municipalities 20 per cent of the amounts paid by the area municipalities for general assistance in respect of which provincial grants of 80 per cent are received.

SECTION 10. Self-explanatory.

- (g) constructing and maintaining an approved base for the road surface on a metropolitan road, including the installing and maintaining of approved drainage.

7. Subsection 4 of section 110 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 110,
subs. 4,
re-enacted

- (4) A member shall hold office until his successor is appointed, and, except in the case of the filling of a vacancy occurring during the term of office, a member shall be appointed for a term of three years. Term of
office

- (4a) For the purpose of instituting a three-year term on a staggered basis, the Metropolitan Council may designate the terms of office of the members in office on the 30th day of April, 1963. Institution
of three-
year term

- (4b) The Metropolitan Council may provide that the Commission shall consist of not fewer than three members. Composition
of
Commission

8. Section 116a of *The Municipality of Metropolitan Toronto Act*, as enacted by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260,
s. 116a
(1961-62,
c. 88, s. 10),
amended

- (2) The Metropolitan Corporation may contribute to the cost of operating the transportation system operated by the Commission. to operating
costs

9. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

- 169a. The amounts that an area municipality are required to pay to provide assistance under *The General Welfare Assistance Act* and that are included for the purpose of computing the contribution by Ontario in respect of such assistance shall be repaid by the Metropolitan Corporation to the area municipality less any amount paid by Ontario in respect of such assistance. General
welfare
assistance
R.S.O. 1960,
c. 164

10. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

- 172a. The Metropolitan Corporation may assume and pay 50 per cent of the annual operating deficit of Regent Park South Nursery School for the year 1963 and subsequent years. Regent Park
South
Nursery
School
operating
deficits

R.S.O. 1960,
c. 260, s. 210,
subs. 1, cl. b,
re-enacted

11.—(1) Clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

- (b) two persons appointed by the Metropolitan Council who are not members of the council of an area municipality.

Present
members

(2) The present members of the Licensing Commission designated under clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* shall remain in office until they or their successors are appointed under the said clause *b* as re-enacted by subsection 1.



R.S.O. 1960,
c. 260, s. 220,
subs. 1,
amended

12. Subsection 1 of section 220 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "19" in the second line "21", so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 296,
to
Metropolitan
Corporation

- (1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21, 23 to 25, 28, 33 and 34 of *The Planning Act*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.



R.S.O. 1960,
c. 260, s. 255,
subs. 3,
re-enacted

13.—(1) Subsection 3 of section 255 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 2 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Erection of
towns, etc.

- (3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, subsections 1 to 6 and 9 of section 11 of *The Municipal Act*.

R.S.O. 1960,
c. 249

Annexations
and amal-
gamations

- (3a) Section 14 of *The Municipal Act* does not apply to any area municipality.

R.S.O. 1960,
c. 260, s. 255,
subs. 8a
(1961-62,
c. 88, s. 17,
subs. 3),
cl. c,
re-enacted

(2) Clause *c* of subsection 8a of the said section 255, as enacted by subsection 3 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments

SECTION 11. At present, the Licensing Commission is composed of the chairman of the Metropolitan Council and two magistrates designated by the Lieutenant Governor in Council. The amendment would substitute for the two magistrates two persons appointed by the Metropolitan Council.

SECTION 12. The amendment authorizes the Metropolitan Corporation, with the approval of the Minister, to enter into agreements with any governmental authority for the carrying out of studies relating to the physical condition of the Metropolitan Area or any part thereof.

SECTION 13—Subsection 1. The new subsection 3a provides that section 14 of *The Municipal Act* dealing with annexations and amalgamations does not apply to the area municipalities.

Subsection 2. The amendment adopts the procedure under *The Emergency Measures Act, 1962-63* for declaring an emergency for the purpose of invoking emergency measures in the municipality.

SECTION 14. Self-explanatory.

or utilities throughout the Metropolitan Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*. R.S.C. 1952,
c. 288
1962-63,
c. ...

14. Section 260 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 260,
re-enacted

260. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose. Payment of
damages to
employees
R.S.O. 1960,
c. 437

15.—(1) This Act, except sections 2 and 9, subsection 1 of section 13 and section 14, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 14 shall be deemed to have come into force on the 1st day of January, 1957. Idem

(3) Subsection 1 of section 13 shall be deemed to have come into force on the 1st day of December, 1961. Idem

(4) Section 2 shall be deemed to have come into force on the 1st day of January, 1963. Idem

(5) Section 9 comes into force on the 1st day of January, 1964. Idem

16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*. Short title

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

April 18th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

MR. SPOONER

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 155

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

MR. SPOONER



BILL 155

1962-63

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “year” in the second line “after elections have been held in the area municipalities”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 6,
subs. 1,
amended

- (1) The first meeting of the Metropolitan Council in each year after elections have been held in the area municipalities shall be held after the councils of all the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First
meeting of
Metropolitan
Council

(2) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 6,
subs. 2,
re-enacted

- (2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality in each year after elections have been held in the area municipalities shall be held not later than the 8th day of January.

First
meeting
of area
councils

2.—(1) Subsection 1 of section 11 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 11,
subs. 1,
re-enacted

- (1) The chairman may be paid for his services as chairman a sum not exceeding \$18,000 per annum.

Remunera-
tion,
chairman

(2) Subsection 2 of the said section 11 is amended by striking out “\$1,800” in the third line and inserting in lieu thereof “\$3,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 11,
subs. 2,
amended

members

- (2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration, not exceeding \$3,000 per annum, as the Metropolitan Council may determine.

R.S.O. 1960,
c. 260, s. 24,
subs. 2, cl. b,
re-enacted;
cl. c,
repealed

3. Clauses *b* and *c* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

Two-thirds
vote
required, and
approval of
Minister

- (b) No by-law establishing a pension plan or a by-law amending such a by-law shall be passed by the Metropolitan Council under this subsection except on an affirmative vote of at least two-thirds of the Metropolitan Council present and voting thereon, and no such by-law shall become operative until approved by the Minister.

R.S.O. 1960,
c. 260, s. 77,
amended

4. Section 77 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Supple-
mentary
by-law

- (1a) The Metropolitan Corporation may, at any time within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on metropolitan roads supplementing the by-law submitted under subsection 1.

R.S.O. 1960,
c. 260, s. 78,
amended

5. Section 78 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Advance
payments

- (3) Subject to section 77, the Minister may, in his discretion, direct payment to the Metropolitan Corporation under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

R.S.O. 1960,
c. 260, s. 80,
cls. e, g,
re-enacted

6. Clauses *e* and *g* of section 80 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

- (e) constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a metropolitan road;

.

- (g) constructing and maintaining an approved base for the road surface on a metropolitan road, including the installing and maintaining of approved drainage.

7. Subsection 4 of section 110 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 110,
subs. 4,
re-enacted

- (4) A member shall hold office until his successor is appointed, and, except in the case of the filling of a vacancy occurring during the term of office, a member shall be appointed for a term of three years. Term of
office

- (4a) For the purpose of instituting a three-year term on a staggered basis, the Metropolitan Council may designate the terms of office of the members in office on the 30th day of April, 1963. Institution
of three-
year term

- (4b) The Metropolitan Council may provide that the Commission shall consist of not fewer than three members. Composition
of
Commission

8. Section 116a of *The Municipality of Metropolitan Toronto Act*, as enacted by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is amended by adding thereto the following subsection: R.S.O. 1960
c. 260,
s. 116a
(1961-62,
c. 88, s. 10),
amended

- (2) The Metropolitan Corporation may contribute to the cost of operating the transportation system operated by the Commission. to operating
costs

9. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

- 169a. The amounts that an area municipality are required to pay to provide assistance under *The General Welfare Assistance Act* and that are included for the purpose of computing the contribution by Ontario in respect of such assistance shall be repaid by the Metropolitan Corporation to the area municipality less any amount paid by Ontario in respect of such assistance. General
welfare
assistance
R.S.O. 1960,
c. 164

10. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

- 172a. The Metropolitan Corporation may assume and pay 50 per cent of the annual operating deficit of Regent Park South Nursery School for the year 1963 and subsequent years. Regent Park
South
Nursery
School
operating
deficits

R.S.O. 1960,
c. 260, s. 210,
subs. 1, cl. b, re-enacted

11.—(1) Clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

- (b) two persons appointed by the Metropolitan Council who are not members of the council of an area municipality.

Present
members

- (2) The present members of the Licensing Commission designated under clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* shall remain in office until they or their successors are appointed under the said clause *b* as re-enacted by subsection 1.

R.S.O. 1960,
c. 260, s. 220,
subs. 1,
amended

- 12.** Subsection 1 of section 220 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "19" in the second line "21", so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 296,
to
Metropolitan
Corporation

- (1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21, 23 to 25, 28, 33 and 34 of *The Planning Act*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.

R.S.O. 1960,
c. 260, s. 255,
subs. 3,
re-enacted

- 13.—**(1) Subsection 3 of section 255 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 2 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Erection of
towns, etc.

- (3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, subsections 1 to 6 and 9 of section 11 of *The Municipal Act*.

R.S.O. 1960,
c. 249

Annexations
and amal-
gamations

- (3a) Section 14 of *The Municipal Act* does not apply to any area municipality.

R.S.O. 1960,
c. 260, s. 255,
subs. 8a
(1961-62,
c. 88, s. 17,
subs. 3),
cl. c,
re-enacted

- (2) Clause *c* of subsection 8a of the said section 255, as enacted by subsection 3 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments

or utilities throughout the Metropolitan Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*. R.S.C. 1952, c. 288, 1962-63, c. ...

14. Section 260 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 260, re-enacted

260. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose. Payment of damages to employees R.S.O. 1960, c. 437

15.—(1) This Act, except sections 2 and 9, subsection 1 of section 13 and section 14, comes into force on the day it receives Royal Assent. Commencement

(2) Section 14 shall be deemed to have come into force on the 1st day of January, 1957. Idem

(3) Subsection 1 of section 13 shall be deemed to have come into force on the 1st day of December, 1961. Idem

(4) Section 2 shall be deemed to have come into force on the 1st day of January, 1963. Idem

(5) Section 9 comes into force on the 1st day of January, 1964. Idem

16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*. Short title

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

April 18th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

MR. SPOONER

BILL 156

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

MR. CASS

EXPLANATORY NOTE

The purpose of this Bill is to ensure that persons who supply labour, materials or services in the construction of public works undertaken by the Crown will be paid in full.

BILL 156

1962-63

An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "claimant" means a creditor who has sent a notice under subsection 1 of section 2;
- (b) "contractor" means a person who performs work in the construction, alteration, repair or maintenance of a public work under a contract between the person and the Crown, and includes any sub-contractor engaged in such a work;
- (c) "creditor" means a person who supplies labour, materials or services used or reasonably required for use in the performance of a contract with the Crown for the construction, alteration, repair or maintenance of a public work;
- (d) "Crown" includes a board, commission or agency of the Crown and the Ontario Water Resources Commission, but does not include The Hydro-Electric Power Commission of Ontario;
- (e) "public work" has the same meaning as in *The Public Works Act* and in addition thereto includes any undertaking by the Crown at the expense of any person or municipality; R.S.O. 1960,
c. 338
- (f) "surety" means a person who guarantees to the Crown the payment of creditors under a bond with the Crown.

2.—(1) Where a contractor does not pay a creditor in accordance with his obligation so to do, the creditor may, not Service of
notice of
non-payment

later than ninety days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Crown by registered mail a notice setting out the nature and amount of his claim.

Payment
of claim

(2) The Crown may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall pay to the Crown upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Crown may act upon any evidence that it deems sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them.

Crown may
demand list
of creditors

3. The Crown may, in writing, require a contractor to send to it, by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors.

Contractor
to display
s. 2, subs. 1

4. Every contractor shall display and keep displayed in a conspicuous place on the public work a copy of subsection 1 of section 2.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues.

R.S.O. 1960,
c. 328,
repealed

6. *The Public and Other Works Wages Act* is repealed.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Public Works Creditors Payment Act, 1962-63*.





An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

1st Reading

April 19th, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 156

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

MR. CASS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

The purpose of this Bill is to ensure that persons who supply labour, materials or services in the construction of public works undertaken by the Crown will be paid in full.

BILL 156

1962-63

**An Act to afford Protection for the
Payment of Wages, Materials and
Services on Public Works**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "claimant" means a creditor who has sent a notice under subsection 1 of section 2;
- (b) "contractor" means a person who performs work in the construction, alteration, repair or maintenance of a public work under a contract between the person and the Crown, and includes any sub-contractor engaged in such a work;
- (c) "creditor" means a person who supplies labour, materials or services used or reasonably required for use in the performance of a contract with the Crown for the construction, alteration, repair or maintenance of a public work;
- (d) "Crown" includes a board, commission or agency of the Crown and the Ontario Water Resources Commission, but does not include The Hydro-Electric Power Commission of Ontario;
- (e) "public work" has the same meaning as in *The Public Works Act* and in addition thereto includes any undertaking by the Crown at the expense of any person or municipality; R.S.O. 1960,
c. 338
- (f) "surety" means a person who guarantees to the Crown the payment of creditors under a bond with the Crown.

2.—(1) Where a contractor does not pay a creditor in accordance with his obligation so to do, the creditor may, not Service of
notice of
non-payment

later than ninety days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Crown by registered mail a notice setting out the nature and amount of his claim.

Payment
of claim

(2) The Crown may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Crown, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall pay to the Crown upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Crown may act upon any evidence that it deems sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them.

Crown may
demand list
of creditors

3. The Crown may, in writing, require a contractor to send to it, by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors.

Contractor
to display
s. 2, subs. 1

4. Every contractor shall display and keep displayed in a conspicuous place on the public work a copy of subsection 1 of section 2.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;
- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under subsection 1 or any provision thereof may be made applicable in respect of any class or classes of contractor. Application
[redacted]

7. *The Public and Other Works Wages Act* is repealed.

R.S.O. 1960,
c. 328,
repealed

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

9. This Act may be cited as *The Public Works Creditors Payment Act, 1962-63*. Short title



An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

1st Reading

April 19th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

Mr. CASS

*(Reprinted as amended by the
Committee on Legal Bills)*

BILL 156

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

MR. CASS

BILL 156

1962-63

An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "claimant" means a creditor who has sent a notice under subsection 1 of section 2;
- (b) "contractor" means a person who performs work in the construction, alteration, repair or maintenance of a public work under a contract between the person and the Crown, and includes any sub-contractor engaged in such a work;
- (c) "creditor" means a person who supplies labour, materials or services used or reasonably required for use in the performance of a contract with the Crown for the construction, alteration, repair or maintenance of a public work;
- (d) "Crown" includes a board, commission or agency of the Crown and the Ontario Water Resources Commission, but does not include The Hydro-Electric Power Commission of Ontario;
- (e) "public work" has the same meaning as in *The Public Works Act* and in addition thereto includes any undertaking by the Crown at the expense of any person or municipality; R.S.O. 1960,
c. 338
- (f) "surety" means a person who guarantees to the Crown the payment of creditors under a bond with the Crown.

2.—(1) Where a contractor does not pay a creditor in accordance with his obligation so to do, the creditor may, not Service of
notice of
non-payment

later than ninety days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Crown by registered mail a notice setting out the nature and amount of his claim.

Payment
of claim

(2) The Crown may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Crown, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall pay to the Crown upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Crown may act upon any evidence that it deems sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them.

Crown may
demand list
of creditors

3. The Crown may, in writing, require a contractor to send to it, by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors.

Contractor
to display
s. 2, subs. 1

4. Every contractor shall display and keep displayed in a conspicuous place on the public work a copy of subsection 1 of section 2.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and, on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;
- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under subsection 1 or any pro-Application
vision thereof may be made applicable in respect of any class
or classes of contractor.

7. *The Public and Other Works Wages Act* is repealed.

R.S.O. 1960,
c. 328,
repealed

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

9. This Act may be cited as *The Public Works Creditors Short title
Payment Act, 1962-63.*



An Act to afford Protection for the Payment of Wages, Materials and Services on Public Works

1st Reading

April 19th, 1963

2nd Reading

April 22nd, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 157

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Police Act

MR. CASS

EXPLANATORY NOTES

SECTION 1. The effect of this amendment will be that cities and counties (which are now excluded) having a combined population of more than 5,000 may establish a joint board of commissioners of police.

SECTION 2. This amendment will enable a council to provide more realistically for any moneys that may be required under a collective bargaining agreement then being negotiated.

SECTION 3. Complementary to section 4 of the Bill.

SECTION 4. The functions of the Ontario Police Commission are set out.

BILL 157

1962-63

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Police Act* is amended by striking out "other than cities and counties" in the second line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 8,
subs. 1,
amended

- (1) Notwithstanding any special Act, any two or more municipalities having a combined population of more than 5,000 according to their last revised assessment rolls may, if authorized so to do by by-law of their respective councils, by agreement constitute a board.

Joint
boards,
establish-
ment

2. Section 35 of *The Police Act* is amended by striking out "adequate provision for the payment of such expenditures as are involved in the request" in the seventh and eighth lines and inserting in lieu thereof "such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award", so that the section shall read as follows:

R.S.O. 1960,
c. 298, s. 35,
amended

35. Where a request in writing is made under subsection 1 of section 27 after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award.

Provision
for
expenditure

3. Subsection 6 of section 39a of *The Police Act*, as enacted by section 6 of *The Police Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 298, s. 39a
(1961-62,
c. 105, s. 6),
subs. 6,
repealed

4. *The Police Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 298,
amended

39b. It is the function of the Commission,

- (a) to maintain a system of statistical records and research studies of criminal occurrences and matters related thereto for the purpose of aiding the police forces in Ontario;
- (b) to consult with and advise boards of commissioners of police, police committees of municipal councils and other police authorities and chief constables on all matters relating to police and policing;
- (c) to provide to boards of commissioners of police, police committees of municipal councils and other police authorities and chief constables information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;
- (d) through its members and advisers, to conduct a system of regular visits to the municipal police forces throughout Ontario;
- (e) to assist in co-ordinating the work and efforts of the police forces in Ontario;
- (f) to operate the Ontario Police College;
- (g) to conduct investigations in accordance with the provisions of this Act;
- (h) to hear and dispose of appeals from members of police forces in accordance with this Act and the regulations; and
- (i) to exercise the powers and perform the duties conferred and imposed upon it by this Act.

R.S.O. 1960,
c. 298, s. 40
(1961-62,
c. 105, s. 7),
subs. 2,
amended

5. Subsection 2 of section 40 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1961-62*, is amended by inserting after "Commission" in the first and second lines "as approved by the Attorney General", so that the subsection shall read as follows:

- (2) Subject to the direction of the Ontario Police Commission as approved by the Attorney General, the Commissioner has the general control and administration of the Ontario Provincial Police Force and the employees connected therewith.

SECTION 5. Self-explanatory.

SECTION 6. This new provision will require the Commissioner of the Ontario Provincial Police Force to file a report annually upon the affairs of the Force.

6. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 298,
amended

41a. The Commissioner shall, after the close of each ^{Annual} calendar year, file with the Attorney General an ^{report} annual report upon the affairs of the Ontario Provincial Police Force, and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. This Act may be cited as *The Police Amendment Act*, ^{Short title} 1962-63.

An Act to amend The Police Act

1st Reading

April 22nd, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 157

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Police Act

MR. CASS



BILL 157

1962-63

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Police Act* is amended by striking out "other than cities and counties" in the second line, so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 8, subs. 1, amended

(1) Notwithstanding any special Act, any two or more municipalities having a combined population of more than 5,000 according to their last revised assessment rolls may, if authorized so to do by by-law of their respective councils, by agreement constitute a board. Joint boards, establishment

2. Section 35 of *The Police Act* is amended by striking out "adequate provision for the payment of such expenditures as are involved in the request" in the seventh and eighth lines and inserting in lieu thereof "such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award", so that the section shall read as follows: R.S.O. 1960, c. 298, s. 35, amended

35. Where a request in writing is made under subsection 1 of section 27 after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award. Provision for expenditure

3. Subsection 6 of section 39a of *The Police Act*, as enacted by section 6 of *The Police Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 298, s. 39a (1961-62, c. 105, s. 6), subs. 6, repealed

4. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960, c. 298, amended

39b. It is the function of the Commission,

- (a) to maintain a system of statistical records and research studies of criminal occurrences and matters related thereto for the purpose of aiding the police forces in Ontario;
- (b) to consult with and advise boards of commissioners of police, police committees of municipal councils and other police authorities and chief constables on all matters relating to police and policing;
- (c) to provide to boards of commissioners of police, police committees of municipal councils and other police authorities and chief constables information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;
- (d) through its members and advisers, to conduct a system of regular visits to the municipal police forces throughout Ontario;
- (e) to assist in co-ordinating the work and efforts of the police forces in Ontario;
- (f) to operate the Ontario Police College;
- (g) to conduct investigations in accordance with the provisions of this Act;
- (h) to hear and dispose of appeals from members of police forces in accordance with this Act and the regulations; and
- (i) to exercise the powers and perform the duties conferred and imposed upon it by this Act.

R.S.O. 1960,
c. 298, s. 40
(1961-62,
c. 105, s. 7),
subs. 2,
amended

5. Subsection 2 of section 40 of *The Police Act*, as enacted by section 7 of *The Police Amendment Act, 1961-62*, is amended by inserting after "Commission" in the first and second lines "as approved by the Attorney General", so that the subsection shall read as follows:

- (2) Subject to the direction of the Ontario Police Commission as approved by the Attorney General, the Commissioner has the general control and administration of the Ontario Provincial Police Force and the employees connected therewith.

6. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960
c. 298,
amended

41a. The Commissioner shall, after the close of each ^{Annual} calendar year, file with the Attorney General an ^{report} annual report upon the affairs of the Ontario Provincial Police Force, and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. This Act may be cited as *The Police Amendment Act*, ^{Short title} 1962-63.





An Act to amend The Police Act

1st Reading

April 22nd, 1963

2nd Reading

April 23rd, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 158

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Land Titles Act

MR. CASS

EXPLANATORY NOTE

This amendment will enable a person other than a barrister or solicitor to be appointed senior deputy master of titles.

BILL 158

1962-63

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Land Titles Act*, as re-^{R.S.O. 1960,}
enacted by section 6 of *The Land Titles Amendment Act*,^{c. 204, s. 9,}
1961-62, is amended by striking out "barrister or solicitor to"^{subs. 2}
be the" in the second line, so that the subsection shall read^{(1961-62,}
^{c. 70, s. 6),}
as follows:^{amended}

(2) The Lieutenant Governor in Council may appoint^{Senior}
a senior deputy master of titles, and the person so^{deputy}
appointed shall act under the supervision of the^{master}
master of titles or shall act as master of titles in^{of titles}
the absence of the master of titles, and, when acting
in the absence of the master of titles, the senior
deputy master of titles has and may exercise and
perform the powers and duties of the master of titles.

2. This Act comes into force on the day it receives Royal^{Commence-}
Assent.^{ment}

3. This Act may be cited as *The Land Titles Amendment*^{Short title}
Act, 1962-63.

An Act to amend The Land Titles Act

1st Reading

April 22nd, 1963

2nd Reading

3rd Reading

MR. CASS

BILL 158

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Land Titles Act

MR. CASS



BILL 158

1962-63

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Land Titles Act*, as re-enacted by section 6 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out "barrister or solicitor to be the" in the second line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 204, s. 9,
subs. 2
(1961-62,
c. 70, s. 6),
amended

(2) The Lieutenant Governor in Council may appoint a senior deputy master of titles, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles.

Senior
deputy
master
of titles

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Land Titles Amendment Act, 1962-63*.

Short title

An Act to amend The Land Titles Act

1st Reading

April 22nd, 1963

2nd Reading

April 23rd, 1963

3rd Reading

April 26th, 1963

Mr. Cass

BILL 159

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Oleomargarine Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to prevent oleomargarine from having a tint or shade of yellow, or of yellow and red collectively, ranging from one and six-tenths degrees to ten and one-half degrees measured in terms of the Lovibond tintometer scale.

SECTION 2. The amendment requires the kinds of refined oil contained in oleomargarine and the percentage that each is of the total refined oil to be marked on the package.

SECTION 3. The new clause *da* provides for the keeping of records by manufacturers and wholesalers.

The new clause *db* provides for the marking and labelling of packages containing oleomargarine.

BILL 159

1962-63

An Act to amend The Oleomargarine Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 4, amended} inserting after "degrees" in the second line "and less than ten and one-half degrees", so that the section shall read as follows:

4. No oleomargarine shall have a tint or shade contain- ^{Colouring} ing more than one and six-tenths degrees and less than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

2. Section 5 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 5, amended} striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

(c) the kinds of refined oil forming an ingredient in the oleomargarine and the percentage that each kind is of the total refined oil.

3. Section 9 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 9, amended} adding thereto the following clauses:

(da) requiring and providing for the keeping of records by manufacturers and wholesalers;

(db) respecting the marking and labelling of packages in which oleomargarine is contained.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The Oleomargarine Amendment Act, 1962-63*. ^{Short title}

An Act to amend The Oleomargarine Act

1st Reading

April 22nd, 1963

2nd Reading

3rd Reading

MR. STEWART

BILL 159

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Oleomargarine Act

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to prevent oleomargarine from having a tint or shade of yellow, or of yellow and red collectively, ranging from one and six-tenths degrees to ten and one-half degrees measured in terms of the Lovibond tintometer scale.

SECTION 2. The amendment requires the kinds of refined oil contained in oleomargarine and the percentage that each is of the total refined oil to be marked on the package.

SECTION 3. The new clause *da* provides for the keeping of records by manufacturers and wholesalers.

The new clause *db* provides for the marking and labelling of packages containing oleomargarine.

BILL 159

1962-63

An Act to amend The Oleomargarine Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 4, amended} inserting after "degrees" in the second line "and less than ten and one-half degrees", so that the section shall read as follows:

4. No oleomargarine shall have a tint or shade contain- ^{Colouring} ing more than one and six-tenths degrees and less than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.


2. Section 5 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 5, amended} striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

- (c) the kinds of refined oil forming an ingredient in the oleomargarine and the percentage that each kind is of the total refined oil.

3. Section 9 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 9, amended} adding thereto the following clauses:

- (da) requiring and providing for the keeping of records by manufacturers and wholesalers;
- (db) respecting the marking and labelling of packages in which oleomargarine is contained.

4.—(1) This Act, except sections 2 and 3, comes into force ^{Commence-ment} on the day it receives Royal Assent.

- Idem (2) Sections 2 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation. 
- Short title 5. This Act may be cited as *The Oleomargarine Amendment Act, 1962-63.*



An Act to amend The Oleomargarine Act

1st Reading

April 22nd, 1963

2nd Reading

April 25th, 1963

3rd Reading

MR. STEWART

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 159

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Oleomargarine Act

MR. STEWART

BILL 159

1962-63

An Act to amend The Oleomargarine Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 4, amended} inserting after "degrees" in the second line "and less than ten and one-half degrees", so that the section shall read as follows:

4. No oleomargarine shall have a tint or shade contain- ^{Colouring} ing more than one and six-tenths degrees and less than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

2. Section 5 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 5, amended} striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

(c) the kinds of refined oil forming an ingredient in the oleomargarine and the percentage that each kind is of the total refined oil.

3. Section 9 of *The Oleomargarine Act* is amended by ^{R.S.O. 1960, c. 268, s. 9, amended} adding thereto the following clauses:

(da) requiring and providing for the keeping of records by manufacturers and wholesalers;

(db) respecting the marking and labelling of packages in which oleomargarine is contained.

4.—(1) This Act, except sections 2 and 3, comes into force ^{Commence-ment} on the day it receives Royal Assent.

Idem	(2) Sections 2 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	5. This Act may be cited as <i>The Oleomargarine Amendment Act, 1962-63</i> .







An Act to amend The Oleomargarine Act

1st Reading

April 22nd, 1963

2nd Reading

April 25th, 1963

3rd Reading

April 26th, 1963

Mr. STEWART

BILL 160

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Milk Industry Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1. The definition of "fluid milk" is clarified.

SECTION 2. The new paragraphs *27a* and *27b* extend the Board's authority to make regulations with respect to regulated products.

SECTION 3. The new section establishes the minimum and maximum degrees of tints or shades of yellow, or of yellow and red collectively, that may be used in the colouring of butter.

BILL 160

1962-63

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 12 of subsection 1 of section 1 of *The Milk Industry Act*, as re-enacted by subsection 1 of section 1 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 12
(1960-61,
c. 56, s. 1,
subs. 1),
re-enacted

12. "fluid milk" means milk produced for sale to distributors for use in fluid milk products.

2. Subsection 1 of section 8 of *The Milk Industry Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 239, s. 8,
subs. 1,
amended

27a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the local board constituted to administer the plan under which the regulated product is regulated;

27b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the local board constituted to administer the plan established for the regulating or controlling of the marketing of the regulated product.

3. *The Milk Industry Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 239,
amended

15a.—(1) Except as provided in the regulations, no person shall manufacture, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Colouring of butter

Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Field-men
and
analysts

- (2) The Lieutenant Governor in Council may appoint field-men and analysts to carry out and enforce this section.

R.S.O. 1960,
c. 239, s. 36,
subs. 1,
re-enacted

4. Subsection 1 of section 36 of *The Milk Industry Act*, as amended by section 12 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Injunction
proceedings

- (1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction *ipso facto* cancels the licence of the transporter, processor, distributor or operator of a plant named in the order during the same period.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Milk Industry Amendment Act, 1962-63*.

SECTION 4. The subsection is re-enacted to include operators of plants among those against whom an injunction may be obtained.



An Act to amend The Milk Industry Act

1st Reading

April 22nd, 1963

2nd Reading

3rd Reading

MR. STEWART

BILL 160

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Milk Industry Act

MR. STEWART



BILL 160

1962-63

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 12 of subsection 1 of section 1 of *The Milk Industry Act*, as re-enacted by subsection 1 of section 1 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 12
(1960-61,
c. 56, s. 1,
subs. 1),
re-enacted

12. "fluid milk" means milk produced for sale to distributors for use in fluid milk products.

2. Subsection 1 of section 8 of *The Milk Industry Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 239, s. 8,
subs. 1,
amended

27a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the local board constituted to administer the plan under which the regulated product is regulated;

27b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the local board constituted to administer the plan established for the regulating or controlling of the marketing of the regulated product.

3. *The Milk Industry Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 239,
amended

15a.—(1) Except as provided in the regulations, no person shall manufacture, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the

Colouring
of butter

Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Field-men
and
analysts

- (2) The Lieutenant Governor in Council may appoint field-men and analysts to carry out and enforce this section.

R.S.O. 1960,
c. 239, s. 36,
subs. 1,
re-enacted

4. Subsection 1 of section 36 of *The Milk Industry Act*, as amended by section 12 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Injunction
proceedings

- (1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction *ipso facto* cancels the licence of the transporter, processor, distributor or operator of a plant named in the order during the same period.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Milk Industry Amendment Act, 1962-63*.



An Act to amend The Milk Industry Act

1st Reading

April 22nd, 1963

2nd Reading

April 25th, 1963

3rd Reading

April 26th, 1963

MR. STEWART

BILL 161

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to amend The Brucellosis Act

MR. STEWART

EXPLANATORY NOTE

At present, the conditions under which compensation may be paid to the owner of a calf that dies after being vaccinated against brucellosis are set out in section 14 of the Act.

Section 14 is repealed in order that compensation may be provided for by regulation.

BILL 161

1962-63

An Act to amend The Brucellosis Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Brucellosis Act* is repealed. R.S.O. 1960,
c. 41, s. 14,
repealed
2. Section 18 of *The Brucellosis Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 41, s. 18,
amended
 - (ea) providing for the compensation of the owner of a female calf that dies after being vaccinated, and prescribing the terms and conditions under which such compensation may be paid.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Brucellosis Amendment Act, 1962-63*. Short title

An Act to amend The Brucellosis Act

1st Reading

April 22nd, 1963

2nd Reading

3rd Reading

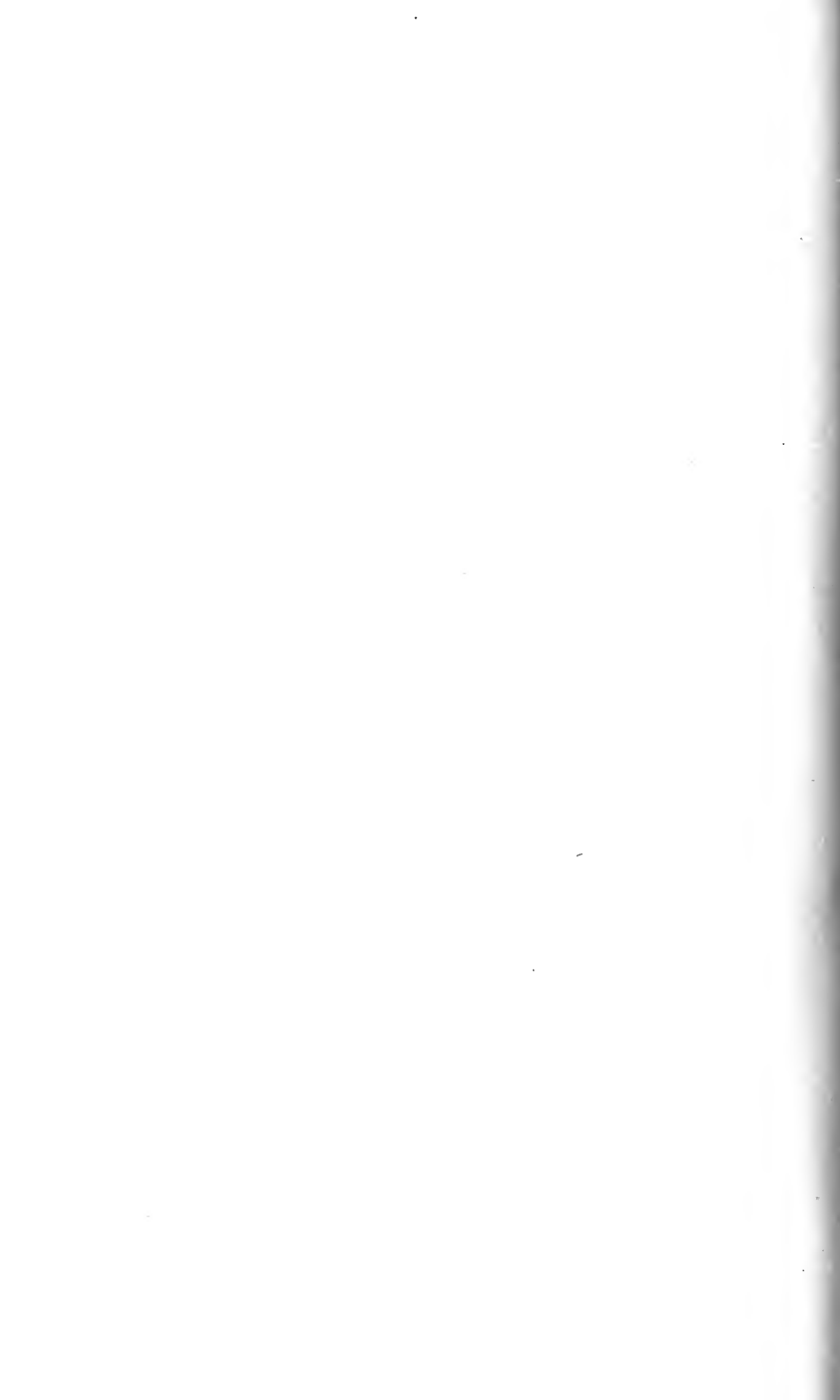
MR. STEWART

BILL 161

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Brucellosis Act

MR. STEWART



BILL 161

1962-63

An Act to amend The Brucellosis Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Brucellosis Act* is repealed. R.S.O. 1960,
c. 41, s. 14,
repealed
2. Section 18 of *The Brucellosis Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 41, s. 18,
amended
 - (ea) providing for the compensation of the owner of a female calf that dies after being vaccinated, and prescribing the terms and conditions under which such compensation may be paid.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Brucellosis Amendment Act, 1962-63*. Short title

An Act to amend The Brucellosis Act

1st Reading

April 22nd, 1963

2nd Reading

April 23rd, 1963

3rd Reading

April 26th, 1963

MR. STEWART

BILL 162

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to establish the Province of Ontario Council for the Arts

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to establish the Province of Ontario Council for the Arts.

BILL 162

1962-63

An Act to establish the Province of Ontario Council for the Arts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "arts" means the arts of the theatre, literature, music, painting, sculpture, architecture or the graphic arts, and includes any other similar creative or interpretative activity;
- (b) "Council" means the Province of Ontario Council for the Arts established under this Act;
- (c) "Minister" means the Minister of Education.

2. A corporation is hereby established, to be known as ^{Council established} the "Province of Ontario Council for the Arts", consisting of a chairman, a vice-chairman and ten other members.

3. The Lieutenant Governor in Council shall appoint the <sup>Appoint-
ment</sup> chairman, the vice-chairman and the other members of the Council, each of whom shall hold office for a term of three years, except that, of those first appointed, four shall be appointed for a term of one year, four for two years, and four for three years.

4. The chairman, the vice-chairman and the other members <sup>Allowances
and expenses</sup> of the Council may be paid reasonable travelling and living expenses incurred by them while away from their ordinary places of residence on the business of the Council.

5. A majority of the members of the Council constitutes a ^{Quorum} quorum whether or not a vacancy exists in the membership of the Council.

Objects
and
powers

6. It is the function of the Council and it has power to promote the study and enjoyment of and the production of works in the arts, and to such end may,

- (a) assist, co-operate with and enlist the aid of organizations whose objects are similar to the objects of the Council;
- (b) provide through appropriate organizations or otherwise for grants, scholarships or loans to persons in Ontario for study or research in the arts in Ontario or elsewhere or to persons in other provinces or territories of Canada or any other countries for study or research in the arts in Ontario;
- (c) make awards to persons in Ontario for outstanding accomplishments in the arts.

By-laws

7. The Council may make by-laws regulating its proceedings and generally for the conduct and management of its activities.

Meetings

8. The Council shall meet at least four times a year in the City of Toronto on such days as are fixed by the Council, and at such other times and places as the Council considers advisable.

Funds

9.—(1) The moneys for the purposes of the Council shall be paid out of the moneys that are appropriated therefor by the Legislature.

Idem

(2) The Council may acquire money, securities or other property, real or personal, by gift, devise, bequest or otherwise, and may expend, administer or dispose of any such money, securities or other property in the promotion of its objects, subject to the terms, if any, upon which such money, securities or other property were given, devised, bequeathed or otherwise made payable to the Council.

Investment
committee

10.—(1) The Lieutenant Governor in Council may establish an investment committee composed of the chairman of the Council, a member of the Council designated by the Council and a person appointed by the Lieutenant Governor in Council.

Duties

(2) The investment committee shall aid and advise the Council with respect to the investment of any of its moneys that may remain in its hands from time to time.

Audit

11. The accounts and financial transactions of the Council shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Council and to the Minister.

12. The chairman of the Council shall annually file with the Minister a report upon the affairs of the Council, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

13. This Act comes into force on the day it receives Royal Assent.

14. This Act may be cited as *The Arts Council Act*, 1962-63.





An Act to establish the
Province of Ontario Council for the Arts

1st Reading

April 22nd, 1963

2nd Reading

3rd Reading

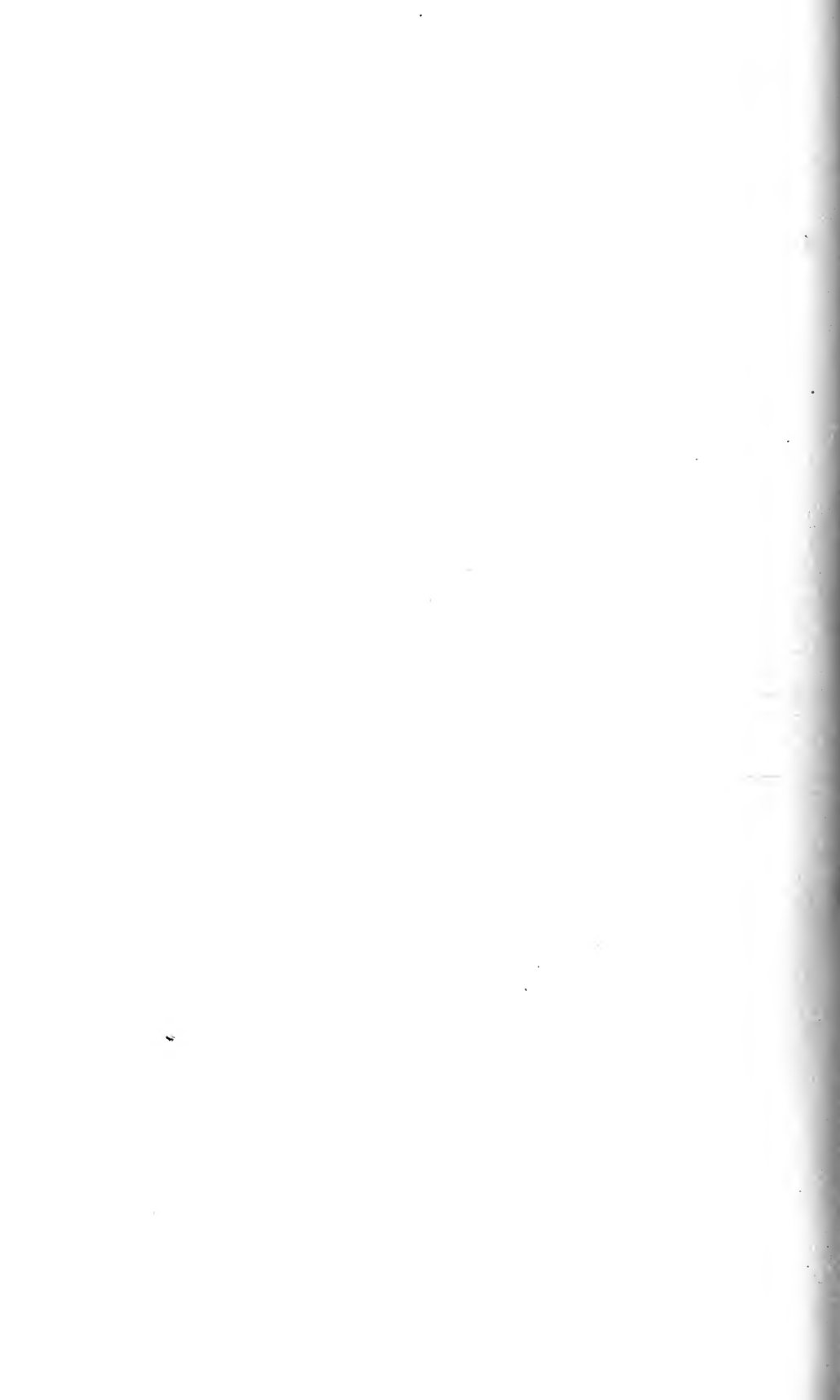
MR. ROBARTS

BILL 162

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to establish the Province of Ontario Council for the Arts

MR. ROBARTS



BILL 162

1962-63

An Act to establish the Province of Ontario Council for the Arts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "arts" means the arts of the theatre, literature, music, painting, sculpture, architecture or the graphic arts, and includes any other similar creative or interpretative activity;
- (b) "Council" means the Province of Ontario Council for the Arts established under this Act;
- (c) "Minister" means the Minister of Education.

2. A corporation is hereby established, to be known as ^{Council established} the "Province of Ontario Council for the Arts", consisting of a chairman, a vice-chairman and ten other members.

3. The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Council, each of whom shall hold office for a term of three years, except that, of those first appointed, four shall be appointed for a term of one year, four for two years, and four for three years. <sup>Appoint-
ment</sup>

4. The chairman, the vice-chairman and the other members <sup>Allowances
and expenses</sup> of the Council may be paid reasonable travelling and living expenses incurred by them while away from their ordinary places of residence on the business of the Council.

5. A majority of the members of the Council constitutes a ^{Quorum} quorum whether or not a vacancy exists in the membership of the Council.

Objects
and
powers

6. It is the function of the Council and it has power to promote the study and enjoyment of and the production of works in the arts, and to such end may,

- (a) assist, co-operate with and enlist the aid of organizations whose objects are similar to the objects of the Council;
- (b) provide through appropriate organizations or otherwise for grants, scholarships or loans to persons in Ontario for study or research in the arts in Ontario or elsewhere or to persons in other provinces or territories of Canada or any other countries for study or research in the arts in Ontario;
- (c) make awards to persons in Ontario for outstanding accomplishments in the arts.

By-laws

7. The Council may make by-laws regulating its proceedings and generally for the conduct and management of its activities.

Meetings

8. The Council shall meet at least four times a year in the City of Toronto on such days as are fixed by the Council, and at such other times and places as the Council considers advisable.

Funds

9.—(1) The moneys for the purposes of the Council shall be paid out of the moneys that are appropriated therefor by the Legislature.

Idem

(2) The Council may acquire money, securities or other property, real or personal, by gift, devise, bequest or otherwise, and may expend, administer or dispose of any such money, securities or other property in the promotion of its objects, subject to the terms, if any, upon which such money, securities or other property were given, devised, bequeathed or otherwise made payable to the Council.

Investment
committee

10.—(1) The Lieutenant Governor in Council may establish an investment committee composed of the chairman of the Council, a member of the Council designated by the Council and a person appointed by the Lieutenant Governor in Council.

Duties

(2) The investment committee shall aid and advise the Council with respect to the investment of any of its moneys that may remain in its hands from time to time.

Audit

11. The accounts and financial transactions of the Council shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Council and to the Minister.

12. The chairman of the Council shall annually file with the Minister a report upon the affairs of the Council, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

13. This Act comes into force on the day it receives Royal Assent.

14. This Act may be cited as *The Arts Council Act*, 1962-63.



An Act to establish the
Province of Ontario Council for the Arts

1st Reading

April 22nd, 1963

2nd Reading

April 25th, 1963

3rd Reading

April 26th, 1963

MR. ROBARTS

BILL 163

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act respecting Medical Services Insurance

MR. ROBARTS

EXPLANATORY NOTE

The purpose of this Bill is to make it possible for all residents of Ontario to obtain protection against the cost of medical and surgical care and services.

BILL 163

1962-63

An Act respecting Medical Services Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "benefit" means a payment made to a covered person for medical or surgical care or services or the performance of such care or services for a covered person under a medical services insurance contract;
- (b) "carrier" means a person, firm, group, association, society, union, agency or corporation that sells or provides or offers to sell or provide medical services insurance;
- (c) "covered person" means a person who is covered by medical services insurance;
- (d) "dependant" means a resident who is,
 - (i) the spouse of the head of a family,
 - (ii) any unmarried child under the age of nineteen years who is dependent or substantially dependent for maintenance upon the head of a family, or
 - (iii) any son or daughter who by reason of mental or physical infirmity is dependent or substantially dependent for maintenance upon the head of a family, and who was, prior to the age of nineteen, dependent or substantially dependent for maintenance upon the head of a family;
- (e) "guaranteed renewable" means the right conferred upon a covered person, in the absence of misrepresentation or non-payment of subscription, to

continue a medical services insurance contract in force from the date of issue until the carrier is no longer licensed under this Act;

(f) "head of a family" means the member of the family upon whom the family is principally dependent for maintenance;

(g) "hospital" means a hospital that is approved for the purposes of the plan of hospital care insurance under *The Hospital Services Commission Act*;

(h) "Medical Carriers Incorporated" means the non-profit corporation, incorporated pursuant to Part III of *The Corporations Act*, whose membership is composed of the carriers licensed under this Act;

(i) "medical services insurance" means a contract, agreement, scheme, fund or arrangement whereby a resident is covered for medical or surgical care or services or the cost or a portion thereof when rendered to such resident and his dependants by or under the direction of a physician, but does not include the limited and incidental insurance against medical and surgical expenses provided in conjunction with motor vehicle liability, employer's liability, public liability, and workmen's compensation insurance policies;

(j) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;

(k) "open enrolment period" means a period that is from time to time designated as such by Medical Carriers Incorporated;

(l) "physician" means a medical practitioner registered as such under *The Medical Act* or under the comparable legislation of any jurisdiction outside Ontario in which medical or surgical care or services are rendered to a resident;

(m) "regulations" means the regulations made under this Act;

(n) "resident" means an individual who is legally entitled to remain in Canada, who makes his home and ordinarily resides in Ontario and who has resided in

R.S.O. 1960,
c. 176

R.S.O. 1960,
c. 71

R.S.O. 1960,
c. 234

Ontario for a continuous period of at least ninety days immediately preceding the date on which the determination is made;

- (o) "standard in-hospital medical services insurance contract" means a contract that provides the benefits set forth in Schedule B;
- (p) "standard medical services insurance contract" means a contract that provides the benefits set forth in Schedule A;
- (q) "subscription" means the premium, fee or other sum of money payable for a standard medical services insurance contract or a standard in-hospital medical services insurance contract, and includes all sums of money payable from time to time to maintain such a contract in force;
- (r) "Superintendent" means the Superintendent of Insurance for Ontario.

2. Medical services insurance is available in accordance with this Act and the regulations to every resident and his dependants who are residents, without regard to age, physical or mental infirmity, financial means or occupation. Medical services insurance available

3. The Minister may, in accordance with the regulations, Provincial participation

- (a) purchase standard medical services insurance contracts for such classes of persons as are set forth in Schedule C and who are in needy circumstances; and
- (b) contribute to the purchase of standard medical services insurance contracts for such other classes of persons as are set forth in the regulations and who are in needy circumstances.

4. A local municipality may, on behalf of residents residing therein, Municipal participation

- (a) who receive municipal unemployment or other assistance; or
- (b) who are referred to under section 54 of *The Public Health Act*, R.S.O. 1960, c. 321

purchase or contribute to the purchase of standard medical services insurance contracts or standard in-hospital medical services insurance contracts for such residents.

Condition
precedent
to writing
medical
services
insurance

5. No carrier shall sell or provide or offer to sell or provide any other form of medical services insurance unless,

(a) it offers for sale and issues,

(i) guaranteed renewable standard medical services insurance contracts, and

(ii) guaranteed renewable standard in-hospital medical services insurance contracts,

to residents who are not dependants, other than a spouse, and who apply and pay the subscription therefor; and

(b) it is a member in good standing of Medical Carriers Incorporated.

Greater
benefits

6. Nothing in this Act prevents a carrier from providing benefits under contracts of medical services insurance greater than those set forth in Schedules A and B.

Licence

7.—(1) Every carrier shall obtain from the Minister and hold a licence under this Act.

Offence

(2) Every carrier that carries on business as such without a licence under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Assessment
for operation
of Medical
Carriers
Incorporated

8.—(1) The members of Medical Carriers Incorporated shall be assessed annually for the moneys required for the operation of the corporation.

Determina-
tion of
assessments

(2) The proportion of the total assessment to be levied in any year to be borne by each member shall be determined in an equitable manner by the board of directors of the corporation and confirmed by at least two-thirds of the votes cast by the members present in person or represented by proxy and entitled to vote at any annual or general meeting of the members of the corporation.

Number of
votes

(3) The number of votes to be cast by or on behalf of any member shall be based upon the proportion of the number of persons covered by the member under contracts of medical services insurance in relation to the persons so covered by all members, and the by-laws of the corporation may provide the necessary regulations with respect thereto.

Arbitration

(4) If the members fail to confirm the assessments or if two or more members give notice to the board of directors that they question the equity of an assessment, the matter

shall be referred for decision to a board of three arbitrators, one to be named by the members licensed to undertake the business of accident and sickness insurance under *The Insurance Act*, one to be named by all other members, and one to be named by a judge of the Supreme Court upon the application of the other two arbitrators. R.S.O. 1960, c. 190

(5) The arbitrators shall have all the powers of arbitrators under *The Arbitrations Act* and may at any time and from time to time proceed in such manner as they think fit on such notice as they deem reasonable. Powers of arbitrators R.S.O. 1960, c. 18

(6) The award of the arbitrators or of a majority of them shall be made within thirty days of the referral of the matter to them, and it is final and binding on all members. Award

9. The initial subscription for a standard medical services insurance contract or a standard in-hospital medical services insurance contract shall not exceed the appropriate maximum subscription in effect at the date of the application for the contract. Initial subscription

10. No carrier shall maintain in force, make or renew, or make any payment under, any medical services insurance contract unless the carrier complies with sections 5 and 7. Prohibition

11. A resident who is not a dependant, or the dependent spouse of such resident, is entitled to have a family or an individual standard medical services insurance contract or standard in-hospital medical services insurance contract issued to him if his application therefor is made during an open enrolment period and the subscription therefor is paid in advance. Application during open enrolment period

12. Where a person qualifies to apply for a standard medical services insurance contract or a standard in-hospital medical services insurance contract only after the expiration of an open enrolment period, he is entitled to have the contract for which he applies issued to him if his application therefor is made and the subscription therefor paid within thirty-one days following the day upon which he so qualifies. Application other than during open enrolment period

13. Where a resident who is not a dependant, or the dependent spouse of such a resident, ceases to be covered after the expiration of an open enrolment period under a group medical services insurance contract issued by a carrier, such resident or such spouse is entitled to have a standard medical services insurance contract or a standard in-hospital medical services insurance contract issued to him by such carrier if Where coverage ceases under group contract

his application therefor is made and the subscription therefor paid within thirty-one days following the day upon which he ceased to be covered under such group contract.

No waiting
period

14. The coverage provided by a standard medical services insurance contract or a standard in-hospital medical services insurance contract issued under section 11, 12 or 13 is not subject to,

- (a) a waiting period or any limitation of benefits with respect to pregnancy or resulting child-birth or miscarriage or other conditions that result directly or indirectly therefrom; or
- (b) a waiting period or any limitation of benefits with respect to a pre-existing physical or mental infirmity or condition.

Later
applications,
limitations

15. Subject to section 18, where the application of a resident who is not a dependant, or the dependent spouse of such a resident, for a standard medical services insurance contract or a standard in-hospital medical services insurance contract is not made and the subscription paid therefor within the period prescribed by section 11, 12 or 13, as the case may be, such resident or spouse may nevertheless apply for a standard medical services insurance contract or a standard in-hospital medical services insurance contract at any time, and, upon payment of the subscription and the late enrolment fee prescribed by Medical Carriers Incorporated, a contract shall be issued to such resident or spouse subject to the following limitation of benefits:

- 1. No benefit shall accrue for medical or surgical care or services rendered to a covered person during the three months immediately following the date of the contract.
- 2. No benefit shall accrue for medical or surgical care or services rendered to a covered person during the ten months immediately following the date of the contract if such costs arise from pregnancy or resulting child-birth or miscarriage or conditions that result directly or indirectly therefrom.

Fixed terms

16. Where a standard medical services insurance contract or a standard in-hospital medical services insurance contract is issued and the subscription paid therefor during the initial open enrolment period, it shall, for a period of two years from the day on which this Act came into force,

- (a) not be terminated by the carrier except for misrepresentation or non-payment of the subscription; and
- (b) require a subscription not to exceed the maximum monthly subscription rates as follows:

	Standard Medical Services Insurance Contract	Standard In- Hospital Medical Services Insurance Contract
1. Resident	X	Y
2. Single family maximum	2½ X	2½ Y

17. All benefits under a standard medical services insurance contract or a standard in-hospital medical services insurance contract during the two-year period specified in section 16 shall be computed on the basis of the Ontario Medical Association's schedule of fees in effect on the day this Act came into force, and thereafter shall be computed on the basis of the Ontario Medical Association's schedule of fees in effect from time to time.

O.M.A.
schedule
governs
benefits

18.—(1) After the expiration of the two-year period specified in section 16,

Adjustment
of sub-
scription
rate

- (a) any carrier may from time to time, but not more often than once in any year, adjust the rate of subscription in accordance with its normal business practice, but any such adjustment shall be on a class-risk basis and not on an individual or family basis and shall in no event exceed the maximum subscription for the time being in force; and
- (b) Medical Carriers Incorporated may at any time, but not fewer than sixty days and not more than ninety days before the end of a year, with the consent of the Superintendent, adjust the maximum subscription rate.

(2) If the Superintendent does not within thirty days of the date of application by Medical Carriers Incorporated consent to the adjustment of the maximum subscription rate, the matter shall be referred for decision to a board of three arbitrators, one to be named by the members licensed to undertake the business of accident and sickness insurance under *The Insurance Act*, one to be named by all other members, and one to be named by a judge of the Supreme Court upon the application of the other two arbitrators.

Arbitration

R.S.O. 1960,
c. 190

Powers of
arbitrators
R.S.O. 1960,
c. 18

(3) The arbitrators shall have all the powers of arbitrators under *The Arbitrations Act* and may at any time and from time to time proceed in such manner as they think fit on such notice as they deem reasonable.

Award

(4) The award of the arbitrators or of a majority of them shall be made within thirty days of the referral of the matter to them, and it is final and binding on all members.

Cancellation
of contracts

19.—(1) Subject to section 16, any carrier may, upon giving sixty days notice in writing to the Minister and to the insured in the manner prescribed in the contract, cancel all but not part of its medical services insurance contracts.

Licence
terminates

(2) Upon the expiry of such period of sixty days, the licence issued to the carrier under this Act automatically terminates.

Provision
for other
insurance

(3) Any carrier that cancels its medical services insurance contracts under subsection 1 shall, in the notice of cancellation given under that subsection, state that the covered persons may, within a period of sixty days from the date of the notice, make application to any other carrier for a standard medical services insurance contract or a standard in-hospital medical services insurance contract, and such other carrier, upon receipt of an application and the subscription therefor, shall issue a standard medical services insurance contract or a standard in-hospital medical services insurance contract, but the contract shall not be subject to,

(a) a waiting period or any limitation of benefits with respect to pregnancy or resulting child-birth or miscarriage or any other condition that results directly or indirectly therefrom; or

(b) a waiting period or any limitation of benefits with respect to a pre-existing physical or mental infirmity or condition.

Carrier's
liability
continues
to date of
cancellation

(4) Notwithstanding anything in this Act, any carrier that cancels its medical services insurance contracts under subsection 1 shall, subject to receipt of proper notice and proof of claim within the times prescribed in the contract, remain liable to the date of cancellation for all benefits to which a covered person is entitled under the contract to the date of cancellation, and the carrier shall refund on a *pro rata* basis any unearned subscription.

Double
coverage

20.—(1) Where a person who is covered by a standard medical services insurance contract or a standard in-hospital medical services insurance contract makes a claim under that

contract and has, in force at the time a claim arises under that contract, any other medical services insurance coverage, no benefit is payable under that contract,

- (a) if the other coverage is on a group basis; or
- (b) if the other coverage is on an individual or family basis and its effective date is prior to the effective date of that contract.

(2) Where a person is covered by a standard medical services insurance contract or a standard in-hospital medical services insurance contract and is otherwise entitled to receive or to be compensated for medical or surgical care or services under any Act of this Legislature or under any enactment of any other jurisdiction, he is not entitled to benefit under such contract to the extent that he is so otherwise entitled. ^{Idem}

21. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) designating classes of persons for the purpose of clause *b* of section 3;
- (b) excluding classes of persons from this Act or any provision thereof;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

22. Notwithstanding *The Corporations Tax Act*, no tax shall be charged or levied upon any carrier in respect of subscriptions paid on standard medical services insurance contracts or standard in-hospital medical services insurance contracts. ^{No corporation tax on subscriptions R.S.O. 1960, c. 73}

23. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. ^{Conflict}

24. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

25. This Act may be cited as *The Medical Services Insurance Act, 1962-63*. ^{Short title}

SCHEDULE A

BENEFITS PROVIDED BY A STANDARD MEDICAL SERVICES INSURANCE CONTRACT

Necessary professional services of a physician, wherever rendered, unless excepted under this Act or under this Schedule.

Exceptions:

1. Annual or periodic health examinations.
2. Services that a covered person is entitled to receive without charge.
3. Laboratory and other diagnostic procedures rendered as hospital services to the extent that these are provided for under the plan of hospital care insurance under *The Hospital Services Commission Act*; dental services; ambulance services; nursing services; dressings and cast materials; use of operating, plaster, or fracture rooms; services of government or commercial laboratories; drugs, vaccines, biological sera or extracts or their synthetic substitutes; eye glasses; special appliances; oxygen; physical therapy and other similar treatments.
4. Medical, surgical or obstetrical services when the covered person is a patient in a sanatorium, institution or special hospital for tuberculosis, mental illness or disease, alcoholism, epilepsy, or drug addiction, where such services are paid for by the sanatorium, institution or special hospital.
5. Services with respect to conditions that do not interfere with the covered person's bodily functions, or with respect to treatment for cosmetic purposes.
6. Newborn-infant care rendered by the physician delivering the infant.
7. Mileage.
8. Advice by telephone.
9. Any services or examinations for the purpose of,
 - (a) an application for insurance or under a requirement for keeping insurance in force;
 - (b) an application for admission to or continuance at or in a school, college, university, camp or an association;
 - (c) employment, or the continuance of employment, or pursuant to the request of an employer or other person in authority;
 - (d) a passport, visa or other similar document.
10. Group inoculation or inoculations pursuant to a statute or by-law or regulation thereunder.
11. Refractions for safety glasses.
12. Services rendered by a physician pursuant to an arrangement for rendering services to the employees of an employer or to members of an association.

SCHEDULE B

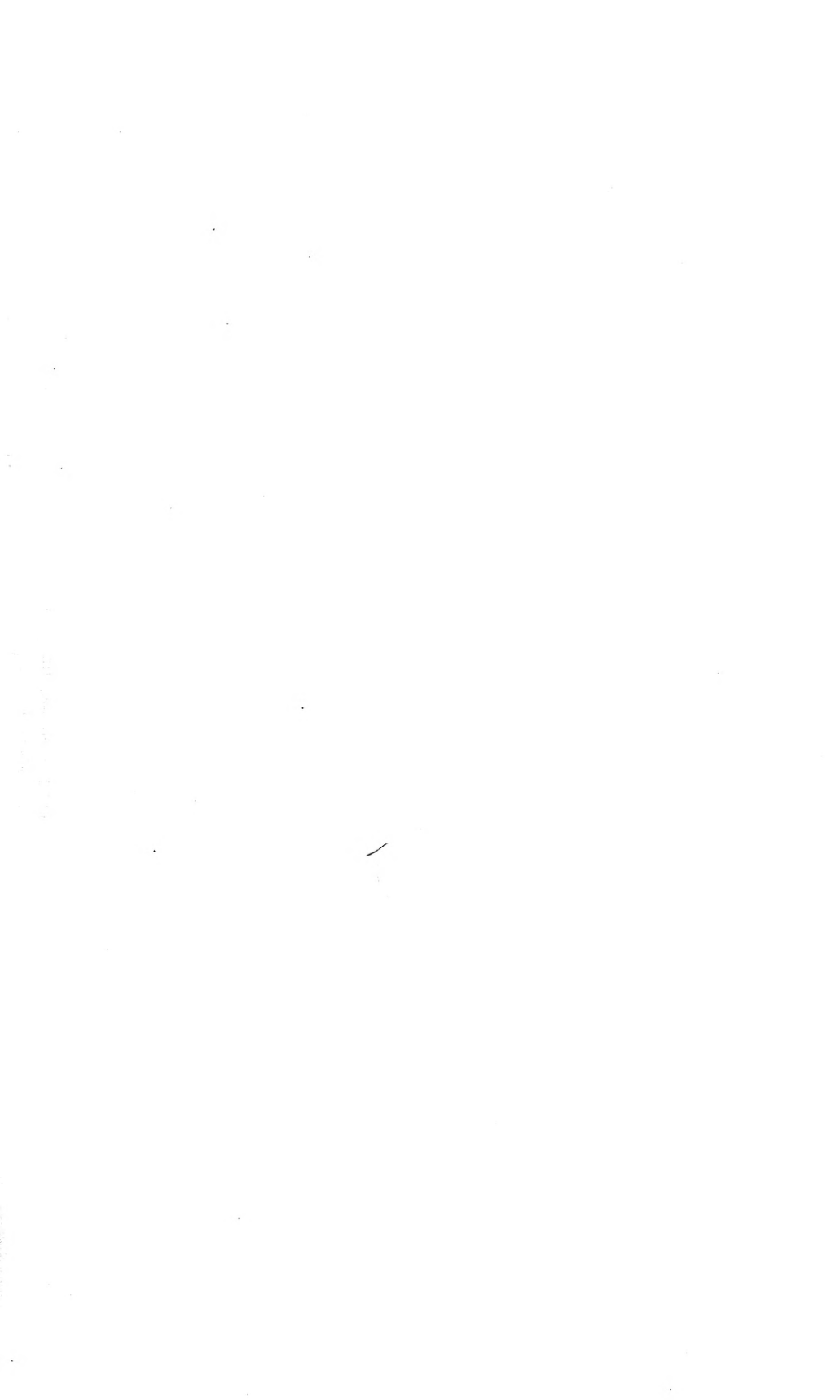
BENEFITS PROVIDED BY A STANDARD IN-HOSPITAL MEDICAL SERVICES INSURANCE CONTRACT

Necessary professional services of a physician rendered to an admitted bed patient in a hospital approved for the purposes of the plan of hospital care insurance under *The Hospital Services Commission Act*, unless excepted under this Act or under Schedule A.

SCHEDULE C

The classes of persons for whom, if they are in needy circumstances, the Minister may purchase standard medical services insurance contracts under clause *a* of section 3 of this Act are those who are in receipt of benefits under any of the following Acts:

1. *The Blind Persons' Allowances Act.*
2. *The Disabled Persons' Allowances Act.*
3. *The General Welfare Assistance Act.*
4. *The Mothers' Allowances Act.*
5. *The Old Age Assistance Act.*
6. *The Old Age Security Act (Canada).*
7. *The Rehabilitation Services Act.*



An Act respecting
Medical Services Insurance

1st Reading

April 23rd, 1963

2nd Reading

3rd Reading

MR. ROBARTS

BILL 164

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

An Act to amend The Farm Products Marketing Act

MR. STEWART

BILL 164

1962-63

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Farm Products Marketing Act* is amended by adding at the end thereof "and, for the purposes of this Act, fish shall be deemed to be a farm product", so that the clause shall read as follows:

R.S.O. 1960,
c. 137, s. 1,
cl. b, s. 1,

amended

- (b) "farm product" means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, wood, or any class or part of any such product, and such articles of food or drink manufactured or derived in whole or in part from any such product, and such other natural products of agriculture as are designated by the regulations, and, for the purposes of this Act, fish shall be deemed to be a farm product.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1962-63 (No. 2)*. Short title

An Act to amend
The Farm Products Marketing Act

1st Reading

April 26th, 1963

2nd Reading

April 26th, 1963

3rd Reading

April 26th, 1963

MR. STEWART

BILL 165

4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63

**An Act for granting to Her Majesty certain sums of money
for the Public Service for the fiscal years ending the
31st day of March, 1963, and the 31st day of March, 1964**

MR. ALLAN (Haldimand-Norfolk)

BILL 165

1962-63

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1963, and the 31st day of March, 1964

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable John Keiller Mackay, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1963, and for the fiscal year ending the 31st day of March, 1964, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

Preamble

1. In addition to the sum of \$1,077,440,000 granted by *The Supply Act, 1961-62*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$35,837,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1962, to the 31st day of March, 1963, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based.

\$35,837,000
granted for
fiscal year
1962-63
1961-62,
c. 135

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$1,137,715,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1963, to the 31st day of March, 1964, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

\$1,137,715,000
granted for
fiscal year
1963-64

Accounting
for
expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1962-63*.

SCHEDULE A

Department of Education.....	\$ 31,000,000
Department of Health.....	3,807,000
Department of Lands and Forests.....	30,000
Treasury Department.....	1,000,000
	<hr/>
	\$ 35,837,000
	<hr/> <hr/>

SCHEDULE B

Department of Agriculture.....	\$ 19,451,000
Department of Attorney General.....	28,650,000
Department of Civil Service.....	922,000
Department of Economics and Development..	11,853,000
Department of Education.....	375,478,000
Department of Energy Resources.....	731,000
Department of Health.....	137,449,000
Department of Highways.....	274,976,000
Department of Insurance.....	473,000
Department of Labour.....	14,116,000
Department of Lands and Forests.....	38,359,000
Office of the Lieutenant Governor.....	27,000
Department of Mines.....	3,262,000
Department of Municipal Affairs.....	67,655,000
Department of the Prime Minister.....	178,000
Office of the Provincial Auditor.....	498,000
Department of the Provincial Secretary and Citizenship.....	3,947,000
Department of Public Welfare.....	77,483,000
Department of Public Works.....	46,629,000
Department of Reform Institutions.....	19,696,000
Department of Transport.....	6,715,000
Department of Travel and Publicity.....	2,388,000
Treasury Department.....	6,779,000
	<hr/>
	\$1,137,715,000
	<hr/> <hr/>

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1963, and the 31st day of March, 1964

1st Reading

April 26th, 1963

2nd Reading

April 26th, 1963

3rd Reading

April 26th, 1963

MR. ALLAN (Haldimand-Norfolk)
